

NINETY-FIFTH DAY

St. Paul, Minnesota, Tuesday, April 8, 1980

The Senate met at 2:00 o'clock p.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate. The following Senators answered to their names:

Anderson	Gearty	Luther	Pillsbury	Strand
Bang	Gunderson	McCutcheon	Purfeerst	Stumpf
Barrette	Hanson	Menning	Rued	Tennessen
Benedict	Hughes	Merriam	Schaaf	Ueland, A.
Bernhagen	Humphrey	Moe	Schmitz	Ulland, J.
Brataas	Jensen	Nelson	Setzepfandt	Vega
Chmielewski	Johnson	Ogdahl	Sikorski	Wegener
Coleman	Kirchner	Olson	Solon	Willet
Davies	Kleinbaum	Omman	Spear	
Dunn	Knaak	Penny	Staples	
Engler	Knoll	Perpich	Stern	
Frederick	Laufenburger	Peterson	Stokowski	

The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Arnold H. Heumann.

The roll was called, and the following Senators answered to their names:

Anderson	Frederick	Knutson	Omman	Solon
Ashbach	Gearty	Laufenburger	Penny	Spear
Bang	Gunderson	Lessard	Perpich	Staples
Barrette	Hanson	Luther	Peterson	Stern
Benedict	Hughes	McCutcheon	Pillsbury	Stokowski
Bernhagen	Humphrey	Menning	Purfeerst	Strand
Brataas	Jensen	Merriam	Renneke	Stumpf
Chmielewski	Johnson	Moe	Rued	Tennessen
Coleman	Keefe, J.	Nelson	Schaaf	Ueland, A.
Davies	Kirchner	Nichols	Schmitz	Ulland, J.
Dieterich	Kleinbaum	Ogdahl	Setzepfandt	Vega
Dunn	Knaak	Olhoff	Sieloff	Wegener
Engler	Knoll	Olson	Sikorski	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Keefe, S. and Sillers were excused from the Session of today. Mr. Laufenburger was excused from the Session of today from 5:15 to 8:00 o'clock p.m. Mr. Wegener was excused from the Session of today from 5:15 to 8:30 o'clock p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 7, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

I am vetoing S. F. No. 2122. This Act, if allowed to become law, would have established a new method for reapportioning Hennepin County Commissioner districts.

I feel strongly that reapportionment should be removed from the political arena. However, unlike the proposed constitutional amendment establishing a state reapportionment commission, the provisions of this act have the potential of increasing the partisan motives inherent in all redistricting. S. F. 2122 ostensibly establishes a bipartisan commission, but its provisions fail to accomplish this worthy objective.

Although Hennepin County Commissioners are elected on a non-party designated ballot, they are endorsed by political parties during their campaigns. Under the proposed legislation, if five or more of the seven-member Hennepin County Board have the same political persuasion, there is no assurance that a bipartisan redistricting plan will be adopted.

Furthermore, if the Board is divided by a four-to-three vote, there is a strong likelihood that a court, and not the commission, would be required to draw the district boundaries. This differs from present state law which provides for a court-appointed redistricting commission to draw new boundaries, should the County Board fail to do so.

I. This legislation establishes an eleven member commission. Each county commissioner appoints one member, with the remaining four members selected by the first seven. A vote of six of the eleven members is required to approve the plan. Under this legislation, the following problems would arise:

1. The four non-board appointees are selected upon agreement by five of the board appointed members. Partisan politics could easily influence the appointment of the four non-board appointed members. This is in contrast to the state-wide bipartisan reapportionment proposal which I support. Under the proposed state-wide constitutional amendment, the five public members are selected only if *unanimous* consent is given by the four legislative appointees (two legislators from each political party).
2. A majority of six of the eleven members is required to approve the Hennepin County reapportionment plan.
—If the majority caucus of the Board has six or seven members, their representatives on the

reapportionment commission can effectively draw the boundaries.

- If the majority caucus has five members, their five representatives could select all of the non-Board appointees. The five from the majority caucus could then control all reapportionment decisions.

Again, this is in contrast to the state-wide proposal under which six of the nine members must agree on the reapportionment plan. This extraordinary majority requirement in the proposed constitutional amendment makes it necessary to achieve bipartisan consensus for any plan to be adopted.

3. If the majority caucus on Hennepin County controls four of the seven seats, it is likely that a court would write the reapportionment plan. This would result when the seven board-appointed members could not reach a five member consensus on the four non-board appointees. If this consensus is not reached, five of the *Board* members must agree on the four non-board appointees. If five Board members cannot agree, there is no provision for filling a vacancy. Presumably, the court would have to reapportion. Again, this is in contrast to the state-wide proposal, which constitutionally requires the Supreme Court to appoint members to vacancies which cannot be filled by consensus.

II. The Legislature, which used substantial portions of the state-wide reapportionment proposal in drafting S. F. 2122, failed to incorporate the bipartisan appointment principle which is part of the proposed constitutional amendment. The departure from this principle results in my veto.

Hennepin County is better served under present law (Minnesota Statutes, Sec. 375.025) than it would be if this legislation took effect.

The present county reapportionment law was adopted in 1974. The Hennepin County Board successfully reapportioned itself in 1975 under the provisions of the 1974 law.

Current law provides for a court appointed redistricting commission for redrawing boundaries if any county board fails to reapportion following a census or reapportions in a manner inconsistent with statutorily established standards. Existing law does not suffer from the defects of S. F. 2122 with its likelihood of a court determined reapportionment plan.

III. The following additional comments are offered.

S. F. 2122 contradicts existing law in one of its provisions. The Act fails to exempt Hennepin County from the applicability

of Minnesota Statutes 1978, Section 375.025, subd. 1, which requires redistricting by *county boards*. It is likely that this contradiction would result in litigation.

This is a significant error. Perhaps it reflects the hastiness with which this legislation was prepared and passed.

—This legislation was not presented to the House or Senate Hennepin County delegation for their consideration.

—This legislation was opposed by a majority on the Hennepin County Board.

—The bipartisan Metropolitan Inter-County Association, representing the seven-county metropolitan area, unanimously opposed this legislation.

Section 1 of this Act provides for individuals to take time off work to serve as election judges. This provision, standing alone, would have been acceptable. It is unfortunate that the Legislature amended the reapportionment commission to this bill. As Governor, I do not have the authority to let Section 1 become law on its own merits. Therefore, the entire Act must fall.

For the reasons set forth in this message, I cannot allow S. F. 2122 to become law. I am, therefore, returning it to you unsigned.

Sincerely,
Albert H. Quie, Governor

Mr. Luther moved that S. F. No. 2122 and the veto message be laid on the table. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2023 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2023 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 2, 1980

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; 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.

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 recede 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 or 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 members. 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 commissioner of administration to acquire by purchase, lease, condemnation, gift, or grant, any right, title, and interest in and to real property, including positive and negative easements and water, air, and development rights, for sites and buffer 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 individual bond or fidelity insurance policy. It may procure insurance in amounts it deems necessary to insure against liability of the board and employees or both, for personal injury or death and property damage or destruction, with the force and effect stated in Minnesota Statutes, Chapter 466, and against risks of damage to or destruction of any of its property as it deems necessary.*

Sec. 4. [DUTIES OF THE BOARD; GENERAL.] **Subdivision 1. [INTERAGENCY COORDINATION.]** *The 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 of article III. The rules shall include standards and procedures for making determinations on the minimum qualification 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 repre-*

sentatives, 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 councils 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 reuseable 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. [VALUATION 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 environ-

mental 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 plan-

ning activities and environmental reviews which have been, are being, or will be conducted, and the substantive, chronological, and procedural relationship between the proposed review and the other activities and reviews;

(e) identify the membership and address of the local project review committees and the names of the local representatives on the board;

(f) summarize the comments and suggestions received from the public pursuant to subdivision 3 and the agency's response.

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

Sec. 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 per-

mitting 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, condi-

tions, 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. [AP-

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

Subd. 2. [ISSUANCE OF BONDS.] *Upon request by the board and upon authorization as provided in subdivision 1, the commissioner of finance shall sell Minnesota state waste management bonds. The bonds shall be in the aggregate amount requested, and sold upon sealed bids upon the notice, at the price, in the form and denominations, bearing interest at the rate or rates, maturing in the amounts and on the dates (without option of prepayment or subject to prepayment upon the notice and at the times and prices), payable at the bank or banks within or outside the state (with provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale or delivery of definitive bonds), and in accordance with any further provisions as the commissioner of finance shall determine. The sale is subject to the approval of the attorney general, but not subject to the provisions of Minnesota Statutes, Sections 15.0411 to 15.0422. The bonds shall be executed by the commissioner of finance and*

attested by the state treasurer under their official seals. The signatures of the officers on the bonds and any interest coupons and their seals may be printed, lithographed, engraved, or stamped thereon, except that each bond shall be authenticated by the manual signature on its face of one of the officers or of an officer of a bank designated by them as authenticating agent. The commissioner of finance shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

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

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

Subd. 5. [APPROPRIATIONS TO DEBT SERVICE ACCOUNT; APPROPRIATION FROM ACCOUNT TO PAY DEBT SERVICE.] The premium and accrued interest received on each issue of Minnesota 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 responsibilities, 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 general 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 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 termination 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 finds 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 easement 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 any 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 districts 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, de-

bentures, 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, installation, maintenance and operation of *property and facilities* on private or public lands and may contract for the furnishing of solid waste management services.

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

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

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

400.06 [INSPECTION; COOPERATION WITH AGENCY.] All counties shall provide for the periodic inspection of *mixed municipal solid waste collection, storage, transportation and disposal facilities and mixed municipal solid waste management property and facilities* located and being operated within their respective boundaries to determine whether *such the property and facilities* are being maintained and operated in compliance with applicable county ordinances and rules, regulations, standards, orders, permits, and requirements of the agency. In the event that *such the property and facilities* are not so in compliance, the county board shall take such actions as are necessary to assure future compliance with all applicable ordinances, rules, regulations, standards and requirements, according to law, and shall cooperate with the agency in obtaining and maintaining such compliance. *All inspectors provided or used by the county under this*

section shall be certified by the agency in accordance with section 116.41.

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

400.07 [DEVELOPMENT OF RESOURCE RECOVERY SYSTEMS.] All counties shall cooperate with the agency in the *planning, development and implementation of resource recovery systems for the recovery and use of materials and energy from solid waste, and toward that end, shall modify applicable county ordinances consistent with rules, regulations and standards of the agency concerning this subject.*

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

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

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

400.16 [SOLID WASTE AND SEWAGE SLUDGE DISPOSAL REGULATIONS.] The county may by ordinance establish and *from time to time revise rules, regulations, and standards for solid waste and sewage sludge management and land pollution, relating to (a) the location, sanitary operation, and maintenance of solid waste management facilities and sewage sludge disposal facilities by the county and any municipality or other public agency and by private operators; (b) the collection, transportation, storage processing, and disposal of solid waste and sewage sludge; (c) the amount and type of equipment required in relation to the amount and type of material received at any solid waste facility or 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 regula-

tions 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 1, 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 REQUIREMENTS.] Each metropolitan county, following adoption or revision of the council's solid and hazardous waste policy plan and in accordance with the dates specified therein, and after consultation with all affected municipalities local government units, shall prepare and submit to the council for its approval, a county solid and hazardous waste master plan to implement the policy plan. The master plan shall be revised and resubmitted at such times as the council's policy plan may require. The master plan shall describe county solid and hazardous waste activities, functions, and facilities; the existing system of solid and hazardous waste generation, collection, and processing, and disposal within the county; existing and proposed county and municipal ordinances and license and permit requirements relating to solid waste facilities and hazardous and solid waste generation, collection, and processing, and disposal; existing or proposed municipal, county, or private solid waste facilities and collection services within the county together with schedules of existing rates and charges to users and statements as to the extent to which such facilities and services will or may be used to implement the policy plan; and any

solid waste facility which the county owns or plans to acquire, construct, or improve together with statements as to the planned method, estimated cost and time of acquisition, proposed procedures for operation and maintenance of each facility; an estimate of the annual cost of operation and maintenance of each facility; an estimate of the annual gross revenues which will be received from the operation of each facility; and a proposal for the use of each facility after it is no longer needed or usable as a waste facility. The master plan shall, to the extent practicable, encourage ownership and operation of solid waste facilities by private industry. For solid waste facilities owned or operated by public agencies or supported primarily by public funds or obligations, the master plan shall contain policies to ensure financial self sufficiency based upon competitive rates and charges that the facilities are operated on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade in relation to comparable private facilities existing in the area.

Subd. 1a. [PROPOSED INVENTORY OF DISPOSAL SITES.]
By June 1, 1981, each county shall adopt, by resolution of its governing body, an inventory of 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 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 al-

lowed, 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 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 met-

ropolitan 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 res-

olution adopted by the governing body of the city, county, or town.

Subd. 2. Before a city, county, or town ~~may enter~~ enters into any contract pursuant to subdivision 1, ~~which contract is for a period of more than five years, the city, county, or town shall submit the proposed contract and a description of the proposed activities under the contract to the council for review and approval. The council shall approve the proposed contract if it determines that the contract will not adversely affect collection rates and charges during the term of the contract and that the contract is consistent with the council's plan, permits issued under section 473.823, and county reports or master plans approved by the council. The council may consolidate its review of contracts submitted under this section with its review of related permit applications submitted under section 473.823 and for this purpose may delay the review required by this section.~~

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

Subd. 3. [SOLID WASTE FACILITIES; REVIEW PROCEDURES.] The agency may prescribe permit and permit application forms, and may request applicants to submit in writing all information deemed relevant by the agency. The agency shall request applicants for solid waste facility permits to submit all information deemed relevant by the council to its review, including without limitation information relating to the geographic areas and population served, the need, the effect on existing facilities and services, the anticipated public cost and benefit, the anticipated rates and charges, the manner of financing, the effect on metropolitan plans and development programs, the supply of waste, anticipated markets for any product, and alternative means of disposal or energy production. The agency, or any employee or agent thereof, when authorized by it, may examine any books, papers, records or memoranda of the applicant pertaining to its waste facility, and may enter on any property, public or private, for the purpose of obtaining information, conducting surveys or making investigations relative to the location or operation of a waste facility. The agency may issue permits for the operation of waste facilities by any metropolitan county or commission, local government unit or person where the operation thereof is consistent with applicable regulations adopted by the agency pursuant to subdivision 1, provided that No permit may be issued for the operation of a solid waste facility in the metropolitan area which is not in accordance with the metropolitan council's solid and hazardous waste policy plan. The metropolitan council shall determine whether a permit is in accordance with the goals, policies, standards, and criteria in its policy plan. In making its determination, the council shall consider the area-wide need and benefit of the applicant facility and may consider, without limitation, the effect of the applicant facility on existing and planned solid waste facilities described in a waste control commission development program or county report or master plan. If the council determines that a permit is in accordance with its policy plan, the

council shall approve the permit. If the council determines that a permit is not in accordance with its policy plan, it shall disapprove the permit. The council's approval of permits may be subject to conditions necessary to satisfy criteria and standards in its policy plan, including conditions respecting the type, character, and quantities of waste to be processed at a *solid waste facility used primarily for resource recovery and restrictions on the geographic territory from which a waste facility used primarily for resource recovery facility or transfer station serving such a facility may draw its waste.* For the purpose of this review and approval by the council, the agency shall send a copy of each permit application and any supporting information furnished by the applicant to the metropolitan council within 15 days after receipt of the application and all other information requested from the applicant. Within 60 days after the application and supporting information are received by the council, unless a time extension is authorized by the agency, the council shall issue to the agency in writing its determination whether the permit is disapproved, approved, or approved with conditions. If the council does not issue its determination to the agency within the 60 day period, unless a time extension is authorized by the agency, the permit shall be deemed to be in accordance with the council's policy plan. No permit may be issued in the metropolitan area for a *solid waste facility used primarily for resource recovery, if the facility or site is owned and operated by a public agency or if the acquisition or betterment of the facility or site is secured by public funds or obligations pledging the full faith and credit or taxing powers of a city, county, or town,* unless the council finds that adequate markets exist for the products recovered without substantially reducing the supply of solid waste available for existing resource recovery operations and that all costs of operation, administration, maintenance and debt service will be covered by reasonable rates and charges for the use of the facility *the facility is operated on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade in relation to comparable private facilities existing in the area.*

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

Subd. 5. [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 procedure for review. The notice shall identify a location or locations within the local government unit and county where the permit applications and the council's scope and procedure for review are available for review and where copies may be obtained. In its review and final decision on the proposed facility, the council shall consider at least the following matters:

(a) the risk and effect of the proposed facility on local residents, units of government, and the local public health, safety, and welfare, and the degree to which the risk or effect may be alleviated;

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

(c) the adverse effects of the facility on agriculture 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 approved 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 sur-*

rounding 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.] "Development 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 of buffer area. The chairman of the county board shall be the chairman of the site selection authority. If a site selection authority has not selected the requisite number of sites in accordance with the council's standards, criteria, and procedures by June 1, 1983, the council shall make the selection.

Subd. 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 unreasonable and improper in sparsely populated or remote areas of the state. The agency shall consider existing physical conditions, topography, soils, and geology, climate, transportation and land use. Standards of hazardous waste control shall be premised on technical knowledge, and commonly accepted practices. No local government unit shall set standards of hazardous waste control which are in conflict or inconsistent with those set by the pollution control agency.

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

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

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and rescind *regulations rules* and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the collection, transportation, storage, *processing*, and disposal of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. *The agency shall adopt such rules and standards for the disposal of sewage sludge, addressing the intrinsic suitability of land, the volume and rate of application of sewage sludge of various degrees of intrinsic hazard, design of disposal facilities, and operation of disposal facilities and disposal sites. The agency shall promulgate temporary rules for sewage sludge disposal pursuant to section 15.0412, subdivision 5.* Any such *regulation rule* or standard may be of general application throughout the state or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, *regulations rules* or standards may relate to collection, transportation, *processing*, disposal, equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or

control of water, air, and land pollution which may be advised through the control of collection, transportation, *processing*, and disposal of solid waste *and the disposal of sewage sludge*, and the deposit in or on land of any other material that may tend to cause pollution.

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

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

Pursuant to chapter 15, the pollution control agency may adopt, amend, and rescind *regulations rules* and standards having the force of law relating to any purpose within the provisions of this chapter for the *management*, identification, labeling, classification, storage, collection, treatment, *transportation*, *processing*, and disposal of hazardous waste and location of hazardous waste disposal facilities. A *regulation rule* or standard may be of general application throughout the state, or may be limited as to times, 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 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 environmental 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 household 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: (Signed) James R. Casserly, William Schreiber, James C. Pehler

Senate Conferees: (Signed) Gene Merriam, Robert G. Dunn, Gerald L. Willet

Mr. Merriam moved that the foregoing recommendations and Conference Committee Report on H. F. No. 2023 be now adopted, and that the bill be repassed as amended by the Conference Committee.

Mr. Sikorski moved that the recommendations and Conference Committee Report on H. F. No. 2023 be rejected and that the bill be re-referred to the Conference Committee as formerly constituted for further consideration.

CALL OF THE SENATE

Mr. Merriam imposed a call of the Senate for the balance of the proceedings on H. F. No. 2023. The following Senators answered to their names:

Anderson	Frederick	Laufenburger	Penny	Staples
Bang	Gearty	Lessard	Perpich	Stern
Barrette	Gunderson	Luther	Peterson	Stokowski
Benedict	Hanson	Menning	Pillsbury	Strand
Bernhagen	Hughes	Merriam	Purfeerst	Stumpf
Brataas	Humphrey	Moe	Renneke	Tennessee
Chmielewski	Jensen	Nelson	Rued	Ueland, A.
Coleman	Keefe, J.	Nichols	Schmitz	Ulland, J.
Davies	Kirchner	Ogdahl	Setzepfand	Vega
Dieterich	Kleinbaum	Olhoff	Sieloff	Wegener
Dunn	Knaak	Olson	Sikorski	Willet
Engler	Knoll	Omann	Spear	

The Sergeant at Arms was instructed to bring in the absent members.

Without objection, Mr. Stern was excused from voting on all the proceedings on H. F. No. 2023, pursuant to Rule 22.

The question recurred on the motion of Mr. Sikorski.

The roll was called, and there were yeas 18 and nays 45, as follows:

Those who voted in the affirmative were:

Benedict	Keefe, J.	Penny	Schaaf	Tennessee
Dieterich	Kleinbaum	Perpich	Schmitz	Vega
Engler	Knutson	Renneke	Sikorski	
Hughes	Nelson	Rued	Stumpf	

Those who voted in the negative were:

Anderson	Frederick	Knoll	Ogdahl	Solon
Aahbach	Gearty	Laufenburger	Olhoft	Spear
Bang	Gunderson	Lessard	Olson	Staples
Barrette	Hanson	Luther	Omann	Stokowski
Bernhagen	Humphrey	McCutcheon	Peterson	Strand
Brataas	Jensen	Menning	Pillsbury	Ueland, A.
Chmielewski	Johnson	Merriam	Purfeerst	Ulland, J.
Davies	Kirchner	Moe	Setzepfandt	Wegener
Dunn	Knaak	Nichols	Sieloff	Willet

The motion did not prevail.

The question recurred on the motion of Mr. Merriam.

The roll was called, and there were yeas 56 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Laufenburger	Omann	Stokowski
Aahbach	Gunderson	Lessard	Perpich	Strand
Bang	Hanson	Luther	Peterson	Stumpf
Barrette	Hughes	McCutcheon	Pillsbury	Tennessen
Benedict	Humphrey	Menning	Purfeerst	Ueland, A.
Bernhagen	Jensen	Merriam	Schmitz	Ulland, J.
Brataas	Johnson	Moe	Setzepfandt	Wegener
Chmielewski	Kirchner	Nelson	Sieloff	Willet
Davies	Kleinbaum	Nichols	Sikorski	
Dunn	Knaak	Ogdahl	Solon	
Engler	Knoll	Olhoft	Spear	
Frederick	Knutson	Olson	Staples	

Those who voted in the negative were:

Dieterich	Penny	Rued	Schaaf	Vega
Keefe, J.	Renneke			

The motion prevailed. So the recommendations and Conference Committee Report were adopted.

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 program; providing for the issuance of state waste management bonds; providing for the establishment of solid waste management districts; requiring solid and hazardous waste management planning and development; establishing state and metropolitan procedures for the review and approval of permits for waste facilities; providing that certain solid waste disposal facilities are not exempt from real property taxes; authorizing the acquisition of property by purchase and eminent domain; authorizing debt; appropriating money; amending Minnesota Statutes 1978, Sections 116.06, Subdivisions 9, 10, 13, and by adding subdivisions; 116.07, Subdivisions 2, 4, and 4a, and by adding subdivisions; 116.081, Subdivision 1; 116.101; 116.41; 272.02, Subdivision 1; 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 add-

ing subdivisions; 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.

Was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 56 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Laufenburger	Omamn	Stokowski
Ashbach	Gunderson	Lessard	Perpich	Strand
Bang	Hanson	Luther	Peterson	Stumpf
Barrette	Hughes	McCutcheon	Pillsbury	Tennessen
Benedict	Humphrey	Menning	Purfeerst	Ueland, A.
Bernhagen	Jensen	Merriam	Schaaf	Ulland, J.
Brataas	Johnson	Moe	Setzepfandt	Wegener
Chmielewski	Kirchner	Nelson	Sieloff	Willet
Davies	Kleinbaum	Nichols	Sikorski	
Dunn	Knaak	Ogdahl	Solon	
Engler	Knoll	Olhoff	Spear	
Frederick	Knutson	Olson	Staples	

Those who voted in the negative were:

Dieterich	Penny	Rued	Schmitz	Vega
Keefe, J.	Renneke			

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1710 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1710 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 3, 1980

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1710

A bill for an act relating to energy; stating legislative energy policy; providing grants and assistance for community energy planning; assessment of fees for residential energy audits; providing grants for residential heating costs and weatherization; providing guidelines for a state plan for spending federal money; reimbursing counties for heating emergency assistance expenses;

defining large energy facilities; authorizing subdivisions to levy for certain energy related activities; providing grants for energy research and development projects; providing education on building energy efficiency; energy audits; ethanol plant demonstration project; creating the alcohol fuels information center; directing the public service commission to establish a pilot project allowing utilities to make conservation investments for customers; appropriating money; amending Minnesota Statutes 1978, Sections 116H.01; 116H.087; 116H.12, Subdivision 11; 216B.16, by adding a subdivision; 275.50, by adding a subdivision; 462A.05, by adding a subdivision; 462A.21, by adding a subdivision; Chapter 216B, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 116H.02, Subdivision 5; 116H.085; 116H.13, Subdivisions 3 and 7; 116H.22; and 268.37; repealing Minnesota Statutes 1978, Sections 116H.125; and 325.986, Subdivisions 1 and 2.

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. 1710, 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. 1710 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [3.351] [LEGISLATIVE COMMISSION ON ENERGY.] *Subdivision 1. [COMPOSITION.] The legislative commission on energy is composed of five senators of the majority party and three senators of the minority party appointed by the subcommittee on committees of the committee on rules and administration, and five representatives of the majority party and three representatives of the minority party appointed by the speaker of the house. The commission shall be appointed by June 1, 1980. The commission shall elect a chairman from among its members.*

Subd. 2. [GENERAL DUTIES.] The commission shall:

(a) Make a continuing study of matters relating to energy supply and use in the state;

(b) Identify the potential for enhanced economic growth and job creation from increased energy efficiency and the production and utilization of renewable energy systems.

(c) Identify ways to assure the provision of necessary energy supplies to all Minnesotans;

(d) Coordinate resources and programs on energy conservation; and

(e) Review overall legislative policy concerning energy.

Subd. 3. [ENERGY PLAN; REPORT TO LEGISLATURE.] *The commission shall develop legislative energy plans based on the provisions of subdivision 2 and consistent with appropriate long term energy goals for Minnesota. The plans shall be reported to the legislature no later than February 15 of each year.*

Subd. 4. [STAFF.] *The commission shall use existing legislative facilities and staff.*

Sec. 2. Minnesota Statutes 1978, Section 45.17, is amended by adding a subdivision to read:

Subd. 7. *The consumer services section shall represent and further the interests of residential utility consumers through participation as an intervenor or interested party in federal proceedings relating to the regulation of: (a) wholesale rates for energy delivered through interstate facilities; or (b) fuel used in generation of electricity or the manufacture of gas. The consumer services section may maintain, intervene in or otherwise participate in any civil actions relating to the federal proceedings. In performing its duties pursuant to this subdivision, the section shall follow the guidelines established pursuant to subdivision 6, clause (1).*

Sec. 3. Minnesota Statutes 1978, Section 90.195, is amended to read:

90.195 [SPECIAL USE PERMIT.] *The commissioner, for a \$5 fee, may issue a permit to salvage or cut not to exceed 25 12 cords of fuelwood per year for personal use from either or both of the following sources: (1) Dead, down, and diseased trees; (2) other trees that are of negative value under good forest management practices. Such permits may be issued for a period not to exceed one year. A fee shall be charged for the permit of not less than \$5 nor more than the approximate current market value of fuelwood stumpage of similar species, grade and volume that is being charged in the area.*

Sec. 4. Minnesota Statutes 1978, Section 116H.01, is amended to read:

116H.01 [FINDINGS AND PURPOSE.] *The legislature finds and declares that the present rapid continued growth in demand for energy is in part due to unnecessary energy use; that a continuation of this trend will result in serious depletion of finite quantities of fuels, land and water resources, and threats to the state's environmental quality; that the state must insure consideration of urban expansion, transit systems; economic development; energy conservation and environmental protection in planning for large energy facilities; that there is a need to carry out energy conservation measures; and that energy planning, protection of environmental values, development of Minnesota energy sources, and conservation of energy require expanded authority and technical capability and a unified, coordinated response within state government.*

The legislature seeks to encourage thrift in the use of energy, and to maximize use of energy efficient systems, thereby reducing the rate of growth of energy consumption, prudently conserving energy resources, and assuring statewide environmental protection consistent with an adequate, reliable supply of energy. will cause severe social and economic dislocations, and that the state has a vital interest in providing for: increased efficiency in energy consumption, the development and use of renewable energy resources wherever possible, and the creation of an effective energy forecasting, planning and education program.

The legislature further finds and declares that the protection of life, safety and financial security for citizens during an energy crisis is of paramount importance.

Therefore, the legislature finds that it is in the public interest to review, analyze and encourage those energy programs that will minimize the need for annual increases in fossil fuel consumption by 1990 and the need for additional electrical generating plants, and provide for an optimum combination of energy sources consistent with environmental protection and the protection of citizens.

The legislature intends to monitor, through energy policy planning and implementation, the transition from historic growth in energy demand to a period when demand for traditional fuels becomes stable and the supply of renewable energy resources is readily available and adequately utilized.

Sec. 5. Minnesota Statutes, 1979 Supplement, Section 116H.085, is amended to read:

116H.085 [ENERGY CONSERVATION INFORMATION CENTER.] The director shall establish an energy conservation information center in the agency's offices in St. Paul. The information center shall maintain a toll-free telephone information service and disseminate printed materials on energy conservation topics, including but not limited to, availability of loans and other public and private financing methods for energy conservation physical improvements, the techniques and materials used to conserve energy in buildings, including retrofitting or upgrading insulation and installing weatherstripping, the projected prices and availability of different sources of energy, and the alternative sources of energy.

The energy information center shall serve as the official Minnesota alcohol fuels information center and shall disseminate information, printed, by the toll-free telephone information service, or otherwise on the applicability and technology of alcohol fuels.

The information center shall include information on the potential hazards of energy conservation techniques and improvements in the printed materials disseminated. The agency shall not be liable for damages arising from the installation or operation of equipment or materials recommended by the information center.

Sec. 6. Minnesota Statutes 1978, Section 116H.087, is amended to read:

116H.087 [ENERGY CONSERVATION PUBLICITY.] The director of the energy agency in consultation with the director of the housing finance agency *other affected agencies or departments* shall develop informational materials, pamphlets and radio and television messages on the energy conservation and housing programs available in Minnesota, *renewable energy resources, and energy supply and demand.* The pamphlets printed materials shall include information on available tax credits for residential energy conservation measures, residential retrofitting loan and grant programs, and data on the economics of energy conservation and renewable resource measures. *Before the pamphlets or media messages are released for general distribution they Copies of printed materials shall be reviewed by distributed to members of the appropriate standing committees of the legislature.*

Sec. 7. [116H.089] [COMMUNITY ENERGY PLANNING; GRANTS.] Subdivision 1. [PURPOSE.] *In order to improve the energy planning capabilities of local governments, the energy agency shall make grants to counties and cities, however organized. The energy agency when making grants shall give priority to those units of government that submit proposals that could result in significant savings of traditional energy sources, development of renewable energy systems, and broad community involvement. The director shall give priority to local units of government that provide staff or other support for a program and who request grants for programs which can be duplicated by other local governments. The grants may be used to purchase materials, employ staff or contract with other units of government or qualified consultants.*

The director shall not make grants of more than 45 percent of the amount appropriated for those purposes to cities and counties located within the seven county metropolitan area. A single grant to a city or county shall not exceed \$50,000.

Subd. 2. [QUALIFYING EXPENDITURES.] *Community energy planning grants may be used for the following purposes:*

(a) *To gather, monitor, and analyze local energy supply, demand, and cost information;*

(b) *To prepare comprehensive community energy plans;*

(c) *To implement comprehensive energy plans that the unit of government is authorized to undertake for the management of problems resulting from: (1) rising energy cost; (2) lack of efficient public and private transportation; (3) lack of community conservation efforts; (4) lack of widespread renewable energy sources; and (5) lack of energy components in comprehensive plans and local ordinances;*

(d) *To assist neighborhood organizations in counties and cities to do energy planning by making grants to the local unit of government; and*

(e) *Any other purposes deemed appropriate by the director of the energy agency.*

Subd. 3. [ADMINISTRATION.] The energy agency shall determine priorities pursuant to subdivisions 1 and 2, and shall promulgate rules for the submission and review of applications in accordance with the provisions of chapter 15. For this purpose the energy agency may adopt temporary rules pursuant to the provisions of section 15.0412, subdivision 5.

Sec. 8. Minnesota Statutes 1978, Section 116H.12, Subdivision 11, is amended to read:

Subd. 11. No new residential

- (a) forced air type central furnace,
- (b) cooking appliance manufactured with an electrical supply cord, or
- (c) clothes drying equipment

designed to burn natural gas equipped with a continuously burning pilot shall be sold or installed in Minnesota. This subdivision does not apply to forced air type furnaces designed for installation in mobile homes.

Sec. 9. Minnesota Statutes 1978, Section 116H.129, Subdivision 5, is amended to read:

Subd. 5. [RESIDENTIAL ENERGY DISCLOSURE PROGRAM.] By ~~March 1, 1979~~ *May 1, 1980*, the commissioner of administration, in consultation with the director of the energy agency and the appropriate standing committees of the legislature, shall promulgate rules providing for residential energy disclosure requirements and shall approve forms for the purposes of this subdivision. The rules and forms shall provide only for the disclosure of structural characteristics, energy use characteristics relating to energy consumption and conservation, and the extent of compliance with standards adopted pursuant to subdivision 1. Nothing in the forms shall indicate or be deemed to indicate that the residence meets all state building code specifications.

Sec. 10. Minnesota Statutes, 1979 Supplement, Section 116H.13, Subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

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

(9) *Any feasible combination of energy conservation improvements, required by the public service commission pursuant to section 18, that can (1) replace part or all of the energy to be provided by the proposed facility, and (2) compete with it economically.*

Sec. 11. Minnesota Statutes, 1979 Supplement, Section 116H.13, Subdivision 7, is amended to read:

Subd. 7. Other state agencies authorized to issue permits for siting, construction or operation of large energy facilities, and those state agencies authorized to participate in matters before the Minnesota public service commission involving utility rates and adequacy of utility services, shall present their position regarding need and participate in the public hearing process prior to the issuance or denial of a certificate of need. Issuance or denial of certificates of need shall be the sole and exclusive prerogative of the director and said determinations and certificates shall be binding upon other state departments and agencies, regional, county and local governments and special purpose government districts except as provided in sections 116C.01 to 116C.08 and 116D.04, subdivision 9.

Sec. 12. [116H.17] [ENERGY AUDITS.] *The director of the energy agency, in cooperation with the director of consumer services, shall develop the state plan for the program of energy audits of residential and commercial buildings required by 42 United States Code, Section 8211 et seq. The consumer services division and the attorney general are authorized to release information on consumer complaints about the operation of the program to the energy agency.*

Sec. 13. Minnesota Statutes, 1979 Supplement, Section 116H.22, is amended to read:

116H.22 [MONEY FOR SCHOOLS AND GOVERNING BODIES.] *Funds Money to pay part or all of the actual costs of mini-audits, maxi-audits and energy conservation measures performed by or for schools and governing bodies shall be available from legislative appropriations made for that purpose in accordance with the priorities established in section 116H.23. Money appropriated pursuant to this section is available to school dis-*

tricts and local governmental units that submitted acceptable mini-audits or maxi-audits after April 9, 1976 and before July 1, 1979.

Sec. 14. [174.256] [PARK AND RIDE PROGRAM.] *Subdivision 1. [PURPOSE.] It is the purpose of this section to encourage citizens of Minnesota to transfer from low-occupancy vehicles to multi-occupancy vehicles, to reduce the use of the automobile and provide for more efficient usage of existing facilities in heavily traveled corridors and congested areas, to divert automobile drivers from parking spaces in metro areas, to decrease low-occupancy vehicle miles driven and the congestion, pollution, energy consumption, highway damage, and other costs associated with highway use, and to increase the efficiency and productivity of and benefit from public investments in public park and ride facilities and systems in the state, reducing the need for increases in urban land used for parking. It is also the purpose of this section to encourage the use of van pools, car pools, and ride sharing by the citizens of the state.*

Subd. 2. [DEFINITIONS.] *For purposes of this section the following terms have the meanings given them in this subdivision:*

(a) "Commissioner" means the commissioner of transportation.

(b) "Park and ride facility" means a facility consisting of a park and ride lot where commuters' automobiles are parked, and, within a reasonable walking distance, a station or some transfer point where commuters board the transit mode.

(c) "Transit mode" includes transportation by bus, car pool, van pool, and other similar services.

(d) "Exclusive use park and ride lot" means a parking lot that is intended to be used exclusively for park and ride purposes, is constructed with public money and is located within 100 miles of a central business district.

(e) "Joint use park and ride lot" means a parking lot that is intended to be used for other purposes in addition to park and ride and is located within 100 miles of a central business district.

(f) "Fringe parking lot" means a parking lot located outside but near a central business district.

Subd. 3. [GENERAL POWERS AND DUTIES.] *The commissioner shall have the power to:*

(a) Develop and monitor a comprehensive park and ride facility program throughout the state. The program shall coordinate and provide money for the development of a statewide program of park and ride facilities, including joint use park and ride lots, exclusive use park and ride lots, and fringe park and ride lots;

(b) Offer, use and apply the information developed pursuant to clause (a) to assist and advise political subdivisions and recipients of financial assistance in the planning, promotion, development, operation and evaluation of park and ride service

facilities. The political subdivision or eligible recipient is responsible for the repair and maintenance of the facility by using local money;

(c) Act upon request as the designated agent of any eligible person for the receipt and disbursal of federal money;

(d) Contract for or provide services as needed in the design or construction of park and ride facilities; and

(e) Establish rules and regulations necessary for implementation of the program.

The commissioner shall perform the duties and exercise the powers under this section in coordination with and in furtherance of statewide, regional, and local transportation plans and transportation development programs.

Subd. 4. [ELIGIBILITY; APPLICATIONS.] A statutory or home rule charter city, county, school district, independent board or agency is eligible to receive financial assistance through the park and ride grant program. Applications for grants shall be approved or denied by the commissioner within 120 days of receipt.

Subd. 5. [EVALUATION AND REPORTS.] The commissioner shall evaluate or contract for the evaluation of park and ride programs developed under the preceding section and submit a report to the legislature by January 15, 1981, including the following information:

(a) The amounts of money spent or obligated for the park and ride program by the commissioner and the persons receiving those amounts;

(b) The number and type of public park and ride lots in use and a physical description of each;

(c) The types of lots in use, number of individuals served and areas covered;

(d) A comparison of the cost of providing different types of service;

(e) A review of the achievements or failures of the project, problems encountered in implementation and conclusions and recommendations concerning future action.

Sec. 15. [174.257] [RIDE SHARING PROGRAM.] The commissioner of transportation shall establish a ride sharing program in order to advise citizens of the available alternatives to travel by low occupancy vehicles and the benefits derived from sharing rides. The program shall provide citizens with necessary information and opportunities for sharing rides, encourage citizens to share rides, and assist citizens in obtaining access to shared rides. The program shall make use of existing services and agencies whenever possible. The program shall give priority to assisting employers who will implement employee ride sharing

programs. The services provided by the program shall include, but not be limited to:

(a) Providing general information to potential ride sharing users;

(b) Establishing procedures for the implementation of ride sharing programs by individuals, groups, corporations or local agencies;

(c) Offering assistance to local governments and other political subdivisions in implementing ride sharing programs;

(d) Providing technical assistance to those individuals, groups, corporations or local agencies;

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

Subd. 6b. All investments and expenses of a public utility as defined in section 18, subdivision (1) (c), incurred in connection with energy conservation improvements shall be recognized and included by the commission in the determination of just and reasonable rates as if the investments and expenses were directly made or incurred by the utility in furnishing utility service.

Sec. 17. Minnesota Statutes 1978, Chapter 216B, is amended by adding a section to read:

[216B.165.] [ENERGY AUDITS.] *Subdivision 1. A customer who asks a public utility to perform an energy audit of his residence pursuant to 42 United States Code 8211 et seq. shall pay no more than \$10 of the administrative and general expenses associated with the audit. The remainder of the administrative and general expenses of operating a program of energy audits pursuant to 42 United States Code 8211 et seq., including those associated with program audits, list distribution, customer billing services, arranging services and post-installation inspections shall be treated as current operating expenses of providing utility service and shall be charged to all ratepayers of the public utility in the same manner as other current operating expenses of providing utility service.*

Subd. 2. All audits performed pursuant to 42 United States Code 8211 et seq. of residences which are required by section 116H.129, subdivision 3 to comply with energy efficiency standards shall include a separate list of those improvements to the residence which are required to bring the residence into compliance with section 116H.129, subdivision 3, and a statement describing remedies available to tenants for violations.

Sec. 18. [216B.241] [ENERGY CONSERVATION IMPROVEMENTS.] *Subdivision 1. [DEFINITIONS.] For purposes of this section, the terms defined in this subdivision shall have the meanings given them:*

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

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

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

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

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

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

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

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

Subd. 2. [PROGRAMS.] Prior to January 1, 1981, the commission, after consultation with the energy agency, shall initiate a pilot program designed to demonstrate the feasibility of investments and expenses of a public utility in energy conservation improvements. The commission, as part of the pilot program, shall order at least one public utility to make investments and expenditures in energy conservation improvements, explicitly setting forth the interest rates, prices, and terms under which the improvements shall be offered to the customers. The order of the commission shall provide to the extent practicable for a free choice of contractor, qualified under the residential conservation services program of the energy agency, for consumers participating in the pilot program. The commission shall not order a utility to make any energy conservation improvement investment or expenditure unless it first finds that the improvement will result in energy savings at a total cost to the utility less than the cost to the utility to produce or purchase an equivalent amount of new supply of energy. Investments and expenditures made pursuant to an order

shall be treated for ratemaking purposes in the manner prescribed in section 16. No utility shall make an energy conservation improvement pursuant to this section to a residential building envelope unless it is the primary supplier of energy used for either space heating or cooling in the building.

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

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

Sec. 19. Minnesota Statutes, 1979 Supplement, Section 268.37, is amended to read:

268.37 [COORDINATION OF FEDERAL AND STATE RESIDENTIAL WEATHERIZATION PROGRAMS.] Subdivision 1. The department of economic security is the state agency to apply for, receive, and disburse federal money made available to the state by federal law or rules promulgated thereunder for the purpose of weatherizing the residences of low-income persons. The commissioner of economic security shall coordinate available federal money with any state money appropriated for this purpose.

Subd. 2. The commissioner shall make grants of federal and state money to community action agencies and other public or private nonprofit agencies for the purpose of weatherizing the residences of low-income persons. Grant applications shall be submitted in accordance with rules developed pursuant to 42 U.S.C., Sections 6861 to 6872, any other relevant federal weatherization program, and rules promulgated by the commissioner.

Subd. 3. The commissioner shall promulgate temporary rules as necessary to administer the grants program by July 1, 1979 and shall promulgate permanent rules by July 1, 1980. The rules shall describe: (a) procedures for the administration of grants, (b) data to be reported by grant recipients, and (c) other matters the commissioner finds necessary for the proper administration of the grant program including compliance with relevant federal regulations. Weatherization assistance shall be given to households where the total income does not exceed 125 percent of the poverty level as

updated by the federal office of management and budget poverty guidelines.

Subd. 4. [SUPPLEMENTARY STATE GRANTS.] *The commissioner shall distribute supplementary state grants in a manner consistent with the goal of producing the maximum number of weatherized units. Supplementary state grants are provided primarily for the payment of additional labor costs for the federal weatherization program, and as an incentive for the increased production of weatherized units.*

Criteria for the allocation of state grants to local agencies include: (a) existing local agency production levels, (b) availability of CETA resources in the area, (c) emergency needs, and (d) the potential for maintaining or increasing acceptable levels of production in the area.

An eligible local agency may receive advance funding for 90 days' production, but thereafter shall receive grants solely on the basis of program criteria.

Subd. 5. *The commissioner shall submit reports to the legislature by March 1 of each year, 1980, and March 1, 1981, evaluating the weatherization program. The reports shall describe: (a) the number of households weatherized, (b) the average cost per household, (c) any change in energy consumption after weatherization, (d) outreach efforts, and (e) any other information the commissioner feels is relevant, including information routinely submitted to the federal government.*

Sec. 20. *Minnesota Statutes 1978, Section 462A.05, is amended by adding a subdivision to read:*

Subd. 15b. *It may make grants to assist in energy conservation rehabilitation measures for existing owner occupied housing including, but not limited to: insulation, storm windows and doors, furnace or space heater repair, cleaning or replacement, chimney construction or improvement, weatherstripping and caulking, and structural or other directly related repairs essential for energy conservation. The grant to any household shall not exceed \$2,000.*

To be eligible for an emergency energy conservation grant, a household must be certified as eligible to receive emergency residential heating assistance under either the federal or the state program, and either (1) have had a heating cost for the preceding heating season that exceeded 120 percent of the regional average for the preceding heating season for that energy source as determined by the energy agency, or (2) be eligible to receive a federal energy conservation grant, but be precluded from receiving the grant because of a need for directly related repairs that cannot be paid for under the federal program. The housing finance agency shall make a reasonable effort to determine whether other state or federal loan and grant programs are available and adequate to finance the intended improvements. An emergency energy conservation grant may be made in conjunction with grants or loans from other state or federal programs that finance other needed rehabilitation work. The receipt of a grant pursuant to this section

shall not affect the applicant's eligibility for other housing finance agency loan or grant programs.

Temporary rules to implement this subdivision may be promulgated and amended pursuant to chapter 15. The temporary rules may remain in effect until July 1, 1981.

Sec. 21. Minnesota Statutes 1978, Section 462A.21, is amended by adding a subdivision to read:

Subd. 4g. It may make emergency energy conservation grants as provided in section 20 and may pay the costs and expenses necessary and incidental to the development of the emergency energy conservation grant program.

Sec. 22. [EMERGENCY RESIDENTIAL HEATING GRANTS.] *Subdivision 1. The commissioner of economic security shall make grants pursuant to the state plan to county boards, community action agencies, or other public or private nonprofit agencies for the purpose of providing emergency residential heating grants to low income households. These grants shall be made to the same agencies and in the same manner as provided for federal grants under the energy crisis assistance program of 42 United States Code, Section 2809, Paragraph (a), Clause (5), except as otherwise provided in sections 22 to 25.*

Subd. 2. The commissioner of economic security shall promulgate rules that provide: (a) procedures for the administration of grants; (b) data to be reported by grant recipients and heating fuel suppliers; and (c) other matters the commissioner finds necessary for the proper administration of the state and federal grant programs. The rules may take effect as temporary rules upon approval by the attorney general and without the normal publication in the state register and 20 day wait for comments from the public, and may be amended in the same manner at a later date if comments from the public demonstrate that amendments are justified.

Subd. 3. Data on individuals collected, maintained, used, or disseminated pursuant to sections 22 to 25 are private data on individuals and shall not be disclosed except as provided for data in the welfare system under Minnesota Statutes, 1979 Supplement, Section 15.1691.

Sec. 23. [ALLOCATIONS.] *Money appropriated for emergency residential heating grants shall be allocated among local administrative agencies on the basis of the number of households in the area served by the agency whose income falls within the limits specified for grant eligibility in relation to the total of those households in the state.*

Sec. 24. [ELIGIBILITY; AMOUNT OF GRANT.] *Subdivision 1. [INCOME LIMITS.] Emergency residential heating grants under this section shall be paid only to households not eligible for the federal energy crisis assistance program and whose total household income does not exceed the following limits:*

Size of
HouseholdNot More
Than1
2
3
4
5
6\$ 5,100
6,750
8,400
10,050
11,700
13,350(For each additional
household member
add \$1,650.)

In determining total household income, a household with earned income may deduct from earned income state and federal income taxes and social security contributions. In addition, a household may deduct medical expenses that are not reimbursed by insurance or other sources and that exceed three percent of the household income.

Subd. 2. [AMOUNT OF GRANT.] The amount of a grant under this section, in combination with the special grant paid by the federal government directly to recipients of supplemental security income and money available to the state under the HEW block grant program shall be the lesser of:

(a) Fifty percent of the cost of residential heating energy paid or reasonably anticipated to be paid by the household during the winter heating season beginning in September and ending in May; or

(b) The appropriate table of maximum grant amounts as follows:

(1) If the maximum grant for fuel oil under the current state plan for the federal energy assistance program at the highest eligible income level is between \$400 and \$600, the following amounts graduated by size of household, income of household, and source of energy:

Household Size	Household More Than but	Income Not More than	Fuel Oil, Canadian Natural Gas and Propane	Wood and Other Energy Sources
1		\$ 4,250	\$400	\$267
	\$ 4,250	\$ 4,675	\$283	\$189
	\$ 4,675	\$ 5,100	\$167	\$111
2		\$ 5,625	\$400	\$267
	\$ 5,625	\$ 6,188	\$283	\$189
	\$ 6,188	\$ 6,750	\$167	\$111
3		\$ 7,000	\$400	\$267
	\$ 7,000	\$ 7,700	\$283	\$189
	\$ 7,700	\$ 8,400	\$167	\$111
4		\$ 8,375	\$400	\$267
	\$ 8,375	\$ 9,212	\$283	\$189
	\$ 9,212	\$10,050	\$167	\$111
5		\$ 9,750	\$400	\$267

	\$ 9,750	\$10,725	\$283	\$189
	\$10,725	\$11,700	\$167	\$111
6		\$11,125	\$400	\$267
	\$11,125	\$12,238	\$283	\$189
	\$12,238	\$13,350	\$167	\$111

or

(2) If the maximum grant for fuel oil under the current state plan for the federal energy assistance program at the highest eligible income level is \$600 or more, the following amounts graduated by size of household, income of household, and source of energy:

Household Size	Household Income More Than but	Income Not More Than	Fuel Oil, Canadian Natural Gas and Propane	Wood and Other Energy Sources
1		\$ 4,250	\$600	\$400
	\$ 4,250	\$ 4,675	\$425	\$283
	\$ 4,675	\$ 5,100	\$250	\$167
2		\$ 5,625	\$600	\$400
	\$ 5,625	\$ 6,188	\$425	\$283
	\$ 6,188	\$ 6,750	\$250	\$167
3		\$ 7,000	\$600	\$400
	\$ 7,000	\$ 7,700	\$425	\$283
	\$ 7,700	\$ 8,400	\$250	\$167

For households of more than six members, the amount of the grant is scaled downward as income goes upward in the same manner as provided in tables 1 and 2 above.

Grants for recipients who use two or more types of fuel shall be based on the household's primary energy source.

Users of wood as the primary heating source, whether the wood is purchased or not, are eligible for assistance under this section.

Grants shall not be considered as income or resources under any other public or publicly assisted income tested program.

Sec. 25. [LEGISLATIVE AUDITOR REPORT.] The legislative auditor shall submit to the legislature by January 1 of each year an audit report of the department of economic security concerning their administration of the emergency residential heating grant program. This report shall also contain a summary of the audit results of the local agencies involved in the administration of the program.

These financial and compliance audits of the local agencies shall be initiated, monitored, and approved by the commissioner of economic security. The legislative auditor must approve the selection of the auditors and scope of the audit.

Sec. 26. [STATE PLAN FOR SPENDING FEDERAL MONEY.] Subdivision 1. The governor shall submit to the appropriate federal agency a state delivery plan for money the state

receives under the Federal Home Energy Assistance Act of 1980 that includes the following elements:

(a) Those households in which one or more individuals are eligible for (a) aid to families with dependent children, (b) supplemental security income payments, (c) food stamps, or (d) certain veteran's benefits as limited by the Home Energy Assistance Act of 1980 shall be categorically eligible for assistance under the state plan, and procedures for simplified application shall be developed.

(b) Users of wood as a primary heating source, whether the wood is purchased or not, shall be eligible for assistance if otherwise eligible under federal law.

(c) Grants under the state plan may be in the form of a direct payment to an eligible household or as a line of credit to an energy supplier. The plan shall describe the conditions under which direct payment is permitted.

(d) Eligible households that have medically necessary cooling costs, as limited by federal law, shall be eligible for assistance.

(e) The state plan shall provide that three percent of the federal money shall be set aside for the emergency uses specified in federal law.

(f) The state plan shall specify the local entity to receive federal funds.

Subd. 2. Before the state plan is submitted to the appropriate federal agency, the governor shall deliver the plan to the appropriate committees of the legislature for review and comment. Thereafter, the governor shall notify the committees of any changes made in the plan.

Sec. 27. [AVAILABILITY OF MATCHING FUNDS; POSITIONS.] Money appropriated by Extra Session Laws 1979, Chapter 2, Section 45, Subdivision 2, Clause (i) is available to match federal, local or private money for district heating systems when the federal or local government or private sources, or a combination thereof, issues a letter of intent to finance the project at the rate of at least \$3 for each \$1 of state money. Positions authorized by Extra Session Laws 1979, Chapter 2, Section 45, Subdivision 2, may be in the classified or unclassified service.

Sec. 28. [ENERGY EFFICIENT BUILDING EDUCATION.] The energy agency shall develop a program to provide information and training to contractors, engineers and architects on techniques and standards for the design and construction of buildings which maximize energy efficiency. The program may include the production of printed materials and the development of training courses.

Sec. 29. [MINNESOTA BIOMASS CENTER.] Subdivision 1. The director of the energy agency, in consultation with the commissioner of agriculture, and the commissioner of economic

development, shall prepare a plan for the creation and organization of a Minnesota biomass center, to be delivered to the legislature by January 1, 1981.

The center shall be the focus of biomass energy activities for the state. To the maximum extent possible, the center shall coordinate its activities and the use of its staff and facilities with those of other entities involved in biomass energy projects.

Subd. 2. [RESPONSIBILITIES.] *The center shall:*

(1) Coordinate existing education and training programs for biomass energy production and use within the state and develop new programs where necessary. Educational programs shall cover all types of biomass energy production use, including but not limited to production from grain, biowaste, and cellulosic materials;

(2) Serve as a central information resource in conjunction with existing agencies and academic institutions in order to provide information to the public on the production and use of biomass energy. The center shall obtain and analyze available information on biomass energy topics and prepare it for distribution to ensure that the public receives the most accurate and up-to-date information available;

(3) Participate in necessary research projects to assist in technological advancement in areas of biomass energy production, distribution, and use. The center shall also study the environmental and safety aspects of biomass energy use;

(4) Support and coordinate financing activities for biomass energy production, including providing technical assistance and manuals to individuals and groups seeking private, local, state or federal funding. The center shall be responsible for evaluating projects for any state assistance that may become available;

(5) Develop consumer information and protection programs for all aspects of biomass energy production and use;

(6) Investigate marketing and distribution needs within the state;

(7) Review state and federal laws and regulations affecting biomass energy production and use, and evaluate regulatory incentives in order to provide the legislature with legislative proposals for the encouragement of biomass energy production and use within the state.

Sec. 30. [ETHANOL DEMONSTRATION PLANT.] *The University of Minnesota shall construct and operate a small scale plant for the production of ethanol at the west central experimental station, Morris. The plant shall produce ethanol from more than one resource. The plant shall operate for at least two years and shall be instrumented and monitored. The university shall determine the feasibility of utilization of byproducts produced by the plant. The plant shall be designed for easy replication by farmers. The*

university shall develop and print at least 5,000 copies of easily understandable plans that demonstrate the construction of a small scale ethanol plant by February 28, 1982. The plans shall be available at no cost from the agricultural extension service.

Sec. 31. [PUBLIC UTILITY DELINQUENCY CHARGES.]
A public utility as defined by section 216B.02, a municipality or cooperative electric association, or telephone company as defined by section 237.01 shall, if that utility adopts a policy of imposing a charge or fee upon delinquent residential and farm accounts, provide that each billing shall clearly state the terms and conditions of any penalty in the form of the monthly percentage rate.

Sec. 32. [APPROPRIATIONS.] Subdivision 1. The sum of \$19,930,500 is appropriated from the general fund to the agencies and for the purposes indicated in this section, to be available for the fiscal year ending June 30 in the years indicated. Appropriations for fiscal year 1980 do not cancel but are available until June 30, 1981. Approved complement positions shall be in the unclassified service and for the balance of the biennium ending June 30, 1981 only.

	1980	1981
Subd. 2. LEGISLATIVE COORDINATING COMMISSION	\$ 25,000	
To pay the expenses incurred by the legislative commission on energy created in section 1.		

Subd. 3. ADMINISTRATION	\$ 200,000
This appropriation is for purchase or lease of commuter vans pursuant to section 16.756.	

Subd. 4. ENERGY AGENCY	\$ 2,175,500
This appropriation is available for the following purposes:	

(a) Expansion of the energy conservation information center and energy conservation publicity	\$ 123,000
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(b) For the purposes specified in section 29	\$ 50,000
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It is a condition of acceptance of the appropriation made in clause (b) that the agency shall submit a work program and progress reports in the form determined by the legislative commission on Minnesota resources. None of the moneys provided in this subdivision may be expended unless the commission has approved the pertinent work program.

	1980	1981
(c) Development of state plan for energy audits for residential and commercial buildings pursuant to section 12.	\$ 70,000	
(d) Energy supply emergency plan development	\$ 5,000	
(e) Renewable energy resource research and development grant rulemaking	\$ 7,500	
(f) Wetlands plant biomass research	\$ 225,000	
(g) Energy efficient building education pursuant to section 28	\$ 35,000	
(h) To administer the grant program established by section 7 and to develop model community energy plans and ordinances of statewide applicability	\$ 40,000	
Approved complement—1		
(i) For the community energy program grants established by section 7	\$ 1,250,000	
This appropriation is available until expended.		
(j) Energy conservation materials.	\$ 230,000	
(k) Continued operation of fuel allocation program	\$ 140,000	
Approved complement—5		
Total complement—11		
Subd. 5. TRANSPORTATION	\$ 400,000	
This appropriation is available for the following purposes:		
(a) Park and Ride Program	\$ 200,000	
(b) Ride Sharing Program	\$ 200,000	
Subd. 6. ECONOMIC SECURITY	\$12,000,000	\$ 2,000,000
This appropriation is available for the following purposes:		
(a) For emergency residential heating assistance	\$ 3,000,000	
(b) For emergency residential heating assistance for fiscal year 1981		\$ 2,000,000
(1) If for any reason federal money is not available, the appropriation in clause (b) may be used for grants to be made pursuant to the current state plan. (2)		

1980

1981

If federal money is available to pay energy grants to persons eligible under section 24, the money appropriated in clause (b) is available for any state matching requirement required by a federal energy assistance program. (3) If a household's income does not exceed 168 percent of office of management and budget nonfarm poverty guidelines and the household is not eligible for assistance under the federal program for fiscal year 1981, the money appropriated in clause (b) is available for grants in the same manner and form as is specified in the state plan for the federal energy assistance program for fiscal year 1981. (4) If grants are paid from the appropriation of state money in clause (b) to persons eligible to receive grants for the same purpose from federal money, the appropriations shall be reimbursed for those grants from federal money when the federal money becomes available if reimbursement is permitted under federal law.

(c) Local administrative agencies may retain up to five percent of the appropriations in clauses (a) and (b) for administrative costs. The state administrative agency may retain up to two percent of the appropriation for administrative costs.

(d) Weatherization of residences pursuant to section 19. \$ 9,000,000

Local administrative agencies may retain up to 7-1/2 percent of the appropriation in this clause for administrative costs. The state administrative agency may retain up to two percent of the appropriation in this clause for administrative costs.

Subd. 7. UNIVERSITY OF MINNESOTA \$ 200,000

For construction and operation of a small scale ethanol plant at the west central experimental station at Morris and the production of plans pursuant to section 30.

Subd. 8. HOUSING FINANCE AGENCY

1980

1981

(a) For the purpose of subsidizing the loan origination fee on a rehabilitation loan of \$2,000 or less if the loan is made in accordance with Minnesota Statutes, Section 462A.05, Subdivision 14, to enable the recipient to accomplish energy conservation related improvements. The appropriation in this section may be used only to subsidize that part of a loan origination fee which is equal to the difference between the initiation fee for the loan and two percent of the face value of the loan. The appropriation shall be available until expended. Before January 15, 1981, the Minnesota housing finance agency shall report to the legislature on the effectiveness of the loan origination fee subsidization program. \$ 150,000

(b) To the housing development fund created by section 462A.20, for the purpose of the emergency energy conservation grant program specified in sections 20 and 21, and for the payment of related costs and expenses. \$ 2,000,000

Approved complement—2.

Subd. 9. COMMERCE

For development of energy audit program for commercial and residential buildings \$ 30,000

Subd. 10. PUBLIC WELFARE

To reimburse counties for the county portion of expenses incurred by them in providing residential heating assistance under the emergency assistance and special needs allowance programs during fiscal year 1980. No county match is required for this money. \$ 500,000

Subd. 11. NATURAL RESOURCES

For the fuelwood management program \$ 250,000

The commissioner of natural resources shall develop and implement a fuelwood management program to increase the availability of fuelwood on public lands by the application of sound forest management techniques including timber stand improvements and utilization of

1980

1981

wood residues resulting from timber harvesting and site conversion. Notwithstanding any law to the contrary, the department may make contracts for professional, technical or consulting services to implement this program.

It is a condition of acceptance of the appropriation made in this subdivision that the agency shall submit a work program and progress reports in the form determined by the legislative commission on Minnesota resources. None of the moneys provided in this subdivision may be expended unless the commission has approved the pertinent work program.

Sec. 33. [REPEALER.] *Minnesota Statutes 1978, Sections 116H.125; and 325.986, Subdivisions 1 and 2, are repealed.*

Sec. 34. [EFFECTIVE DATE.] *This act is effective the day following final enactment. The provisions of section 1 shall expire on July 1, 1987. The provisions of sections 22 to 25 shall expire January 2, 1982."*

Delete the title and insert:

"A bill for an act relating to energy; establishing a legislative commission on energy; stating energy policy; broadening the scope of state weatherization programs; creating a state emergency residential heating program; expanding energy awareness programs; creating a Minnesota biomass center; providing for an ethanol demonstration plant; providing grants and assistance for community energy planning; expanding consumer representation in certain energy hearings; regulating delinquency charges on customer or subscriber accounts; providing guidelines for a state plan for spending federal money; reimbursing counties for emergency energy assistance expenses; providing education on building energy efficiency; directing the public service commission to establish a pilot project allowing utilities to make conservation investments for customers; appropriating money; amending Minnesota Statutes 1978, Sections 45.17, by adding a subdivision; 90.195; 116H.01; 116H.087; 116H.12, Subdivision 11; 116H.129, Subdivision 5; 216B.16, by adding a subdivision; 462A.05, by adding a subdivision; 462A.21, by adding a subdivision; Chapter 216B, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 116H.085; 116H.13, Subdivisions 3 and 7; 116H.22; and 268.37; repealing Minnesota Statutes 1978, Sections 116H.125; and 325.986, Subdivisions 1 and 2."

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

House Conferees: (Signed) Ken G. Nelson, Tom Stoa, William D. Dean

Senate Conferees: (Signed) Hubert H. Humphrey III, Jerald C. Anderson, Harmon T. Ogdahl

Mr. Humphrey moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1710 be now adopted, and that the bill be repassed as amended by the Conference Committee.

CALL OF THE SENATE

Mr. Humphrey imposed a call of the Senate for the balance of the proceedings on H. F. No. 1710. The following Senators answered to their names:

Ashbach	Hanson	Luther	Renneke	Stumpf
Bang	Hughes	Menning	Rued	Tennessen
Barrette	Humphrey	Moe	Schmitz	Ueland, A.
Bernhagen	Jensen	Nelson	Setzepfandt	Ulland, J.
Chmielewski	Kirchner	Ogdahl	Sikorski	Vega
Davies	Kleinbaum	Omann	Solon	Wegener
Dieterich	Knaak	Penny	Spear	Willet
Dunn	Knoll	Perpich	Staples	
Engler	Knutson	Peterson	Stern	
Frederick	Laufenburger	Pillsbury	Stokowski	
Gearty	Lessard	Purfeerst	Strand	

The Sergeant at Arms was instructed to bring in the absent members.

Mr. Tennessen moved that the recommendations and Conference Committee Report on H. F. No. 1710 be rejected and that the bill be re-referred to the Conference Committee as formerly constituted for further consideration.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 19 and nays 43, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Keefe, J.	Nichols	Stern
Bang	Davies	Knaak	Renneke	Tennessen
Barrette	Frederick	Knutson	Schaaf	Ueland, A.
Brataas	Jensen	McCutcheon	Sieloff	

Those who voted in the negative were:

Anderson	Hanson	Luther	Perpich	Staples
Benedict	Hughes	Menning	Peterson	Stokowski
Bernhagen	Humphrey	Merriam	Pillsbury	Strand
Coleman	Johnson	Moe	Purfeerst	Stumpf
Dieterich	Kirchner	Ogdahl	Rued	Ulland, J.
Dunn	Kleinbaum	Olhoff	Schmitz	Vega
Engler	Knoll	Olson	Setzepfandt	Willet
Gearty	Laufenburger	Omann	Sikorski	
Gunderson	Lessard	Penny	Spear	

The motion did not prevail.

The question recurred on the motion of Mr. Humphrey. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 1710: A bill for an act relating to energy; establishing a legislative commission on energy; stating energy policy; broadening the scope of state weatherization programs; creating a state

emergency residential heating program; expanding energy awareness programs; creating a Minnesota biomass center; providing for an ethanol demonstration plant; providing grants and assistance for community energy planning; expanding consumer representation in certain energy hearings; regulating delinquency charges on customer or subscriber accounts; providing guidelines for a state plan for spending federal money; reimbursing counties for emergency energy assistance expenses; providing education on building energy efficiency; directing the public service commission to establish a pilot project allowing utilities to make conservation investments for customers; appropriating money; amending Minnesota Statutes 1978, Sections 45.17, by adding a subdivision; 90.195; 116H.01; 116H.087; 116H.12, Subdivision 11; 116H.129, Subdivision 5; 210B.16, by adding a subdivision; 462A.05, by adding a subdivision; 462A.21, by adding a subdivision; Chapter 216B, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 116H.085; 116H.13, Subdivisions 3 and 7; 116H.22; and 268.37; repealing Minnesota Statutes 1978, Sections 116H.125; and 325.986, Subdivisions 1 and 2.

Was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 55 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knaak	Olson	Staples
Ashbach	Gearty	Knoll	Omann	Stern
Bang	Gunderson	Laufenburger	Penny	Stokowski
Barrette	Hanson	Lessard	Perpich	Strand
Benedict	Hughes	Luther	Pillsbury	Stumpf
Brataas	Humphrey	McCutcheon	Purfeerst	Tennessen
Coleman	Jensen	Menning	Schaaf	Ueland, A.
Davies	Johnson	Merriam	Schmitz	Ulland, J.
Dieterich	Keefe, J.	Moe	Sieloff	Vega
Dunn	Kirchner	Ogdahl	Sikorski	Wegener
Engler	Kleinbaum	Olhoft	Spear	Willet

Those who voted in the negative were:

Chmielewski	Nichols	Renneke	Rued	Setzepfandt
Knutson	Peterson			

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

RECESS

Mr. Coleman moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2304.

H. F. No. 2304: A bill for an act relating to initiative; proposing an amendment to the Minnesota Constitution, Article VII by adding a section; authorizing initiative on laws; providing a statute implementing the amendment; providing for the manner of petitioning and voting on initiative measures; providing for disclosure of campaign costs on ballot issues; providing that expenditures to promote or defeat a measure may not be taken as a deduction or credit against income taxes; providing for judicial review; providing penalties; amending Minnesota Statutes 1978, Sections 10A.01, Subdivision 15; 10A.20, by adding a subdivision; 203A.31, Subdivisions 2 and 3; 204A.24; 204A.40, Subdivision 2; 204A.53, Subdivision 3; 290.09, Subdivision 2; 290.21, Subdivision 3; and 645.02.

And the House respectfully requests that a Conference Committee of three members be appointed thereon.

Sieben, M.; Pehler and Kempe have been appointed as such committee on the part of the House.

House File No. 2304 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 8, 1980

Mr. McCutcheon moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 2304, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

RECESS

Mr. Coleman moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

Without objection, the Senate proceeded to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

APPOINTMENTS

Mr. Coleman from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H. F. No. 1731: Messrs. Chmielewski, Vega and Pillsbury.

H. F. No. 1813: Messrs. Penny, Knoll and Barrette.

H. F. No. 1121: Mr. Bang to replace Mr. Sillers.

H. F. No. 2304: Messrs. McCutcheon, Schaaf and Coleman.

Mr. Coleman moved that the foregoing appointments be approved. The motion prevailed.

Mr. Coleman from the Committee on Rules and Administration pursuant to the second paragraph of Rule 40 and on request of Mr. Nichols, chief author of S. F. No. 4, companion bill to H. F. No. 8, recommends that House File No. 8 be withdrawn from the Committee on Taxes and Tax Laws and be placed on the top of General Orders. Report adopted.

MOTIONS AND RESOLUTIONS

SUSPENSION OF RULES

Mr. Nichols moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 8 and that the rules of the Senate be so far suspended as to give H. F. No. 8 its second and third reading and place it on its final passage. The motion prevailed.

H. F. No. 8: A bill for an act relating to taxation; gasoline tax; reducing the tax on grain alcohol gasoline; creating the Minnesota agricultural products industrial utilization board; appropriating money; amending Minnesota Statutes 1978, Sections 296.01, by adding a subdivision; 296.02, by adding a subdivision; 296.18, Subdivision 8; and Chapter 24, by adding a section.

H. F. No. 8 was read the second time.

Mr. Nichols moved to amend H. F. No. 8 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 296.02, Subdivision 1, is amended to read:

296.02 [GASOLINE EXCISE TAX.] Subdivision 1. [TAX IMPOSED FOR MOTOR VEHICLE USE.] There is hereby imposed an excise tax of ~~nine~~ 11 cents per gallon on all gasoline used in producing and generating power for propelling motor vehicles used on the public highways of this state. This tax shall be payable at the times, in the manner, and by persons specified in this chapter.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 473.596, is amended to read:

473.596 [ACCESS STREETS AND HIGHWAYS, HIGHWAY USER TAX DISTRIBUTION FUND.] ~~So long as the tax imposed pursuant to article XIV, section 10, of the Minnesota Constitution is at or below the rate fixed by law on January 1, 1979, No money derived from the highway user tax distribution~~

fund shall be used to construct, relocate, or improve any streets, highways, or other public thoroughfares, except ones included in the municipal state aid street system established pursuant to article XIV, section 4, if such work is done in order to provide or improve access to a new sports facility constructed pursuant to sections 473.551 to 473.595. The commissioner of transportation shall determine whether expenditures are in violation of this section.

Sec. 3. [EFFECTIVE DATE.] *Section 1 is effective May 1, 1980, and applies to all gasoline and special fuels as defined in Minnesota Statutes, Section 296.01, Subdivision 6, in distributor storage on that date.*"

Amend the title as follows:

Page 1, line 2, delete "reducing" and insert "increasing"

Page 1, delete lines 3 to 9 and insert "tax on gasoline; prohibiting use of proceeds of gas tax for access routes to the metropolitan sports facility; amending Minnesota Statutes 1978, Section 296.02, Subdivision 1; and Minnesota Statutes, 1979 Supplement, Section 473.596."

The motion prevailed. So the amendment was adopted.

H. F. No. 8 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 48 and nays 14, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Knutson	Omann	Staples
Ashbach	Gunderson	Lessard	Penny	Stern
Benedict	Hanson	McCutcheon	Pillsbury	Stokowski
Bernhagen	Hughes	Menning	Purfeerst	Strand
Brataas	Humphrey	Moe	Renneke	Tennessen
Chmielewski	Jensen	Nelson	Rued	Ueland, A.
Coleman	Keefe, J.	Nichols	Schmitz	Ulland, J.
Dunn	Kirchner	Ogdahl	Setzepfandt	Willet
Engler	Kleinbaum	Olhoft	Solon	
Frederick	Knoll	Olson	Spear	

Those who voted in the negative were:

Barrette	Johnson	Merriam	Schaaf	Stumpf
Davies	Knaak	Perpich	Sieloff	Vega
Dieterich	Luther	Peterson	Sikorski	

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

RECESS

Mr. Coleman moved that the Senate do now recess until 7:15 o'clock p.m. The motion prevailed.

The hour of 7:15 o'clock p.m. having arrived, the President called the Senate to order.

MEMBERS EXCUSED

Mr. Schmitz was excused from this evening's Session. Mr. Johnson was excused from this evening's Session from 9:00 to 10:00 o'clock p.m. Mr. Laufenburger was excused from the Session of today at 9:45 o'clock p.m. Mr. Peterson was excused from this evening's Session from 9:15 to 10:05 o'clock p.m.

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate. The following Senators answered to their names:

Anderson	Dunn	Lessard	Penny	Strand
Ashbach	Engler	Luther	Perpich	Stumpf
Bang	Gearty	Menning	Pillsbury	Tennessen
Barrette	Gunderson	Merriam	Purfeerst	Vega
Brataas	Hanson	Moe	Setzepfandt	Willet
Chmielewski	Hughes	Nelson	Spear	
Coleman	Humphrey	Nichols	Staples	
Davies	Kirchner	Olhoff	Stern	
Dieterich	Knaak	Omann	Stokowski	

The Sergeant at Arms was instructed to bring in the absent members.

Without objection, the Senate reverted to the Order of Business of Messages from the House, First Reading of House Bills, Reports of Committees and Second Reading of Senate Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1843 and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 1843: A bill for an act relating to transportation; establishing a state rail bank for abandoned rail lines; amending Minnesota Statutes 1978, Chapter 222, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 174.03, Subdivision 4; 222.50, Subdivision 7; and 222.65.

Senate File No. 1843 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned April 7, 1980

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 644.

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 addi-

tional 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.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Berkelman, Heinitz and Reif have been appointed as such committee on the part of the House.

House File No. 644 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 8, 1980

Mr. Strand moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 644, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2429.

H. F. No. 2429: A bill for an act relating to usury; changing the penalty for usurious loans made by state banks and savings banks; amending Minnesota Statutes 1978, Sections 334.02; 334.03; and Chapter 48, by adding a section.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Corbid, Kelly and Sviggum have been appointed as such committee on the part of the House.

House File No. 2429 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 8, 1980

Mr. Coleman moved that H. F. No. 2429 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 2458 and 1619.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 2, 1980

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committee indicated.

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 motorboats during the present energy crisis.

Referred to the Committee on Rules and Administration.

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.

Mr. Coleman moved that H. F. No. 1619 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Coleman from the Committee on Rules and Administration, to which was referred

S. F. No. 2419: A bill for an act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results and technical errors of a noncontroversial nature; amending Laws 1980, Chapters 341, Section 8; 345, Section 17; and 358, Section 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 204A.23, is amended to read:

204A.23 [COMPENSATION.] The compensation for services performed under the Minnesota election law shall be as follows:

(a) To presidential electors from funds appropriated to the secretary of state for this purpose, \$35 for each day's attendance at the capitol, and an amount for each mile necessarily traveled in

going to and returning from St. Paul, equal to the amount allowed for state employees in accordance with regulation under section 471.665, subdivision 1;

(b) To persons, other than county, city or township employees during their normal work day, appointed or designated by the county auditor to carry ballots to or from the county auditor's office, a sum not less than the prevailing Minnesota minimum wage for each hour necessarily spent and an amount for each mile of necessary travel, equal to the amount allowed for state employees in accordance with regulation under section 471.665, subdivision 1;

(c) To members of county canvassing boards, \$5 for each eight hours of service as members of the canvassing board and seven and one-half cents for each mile of necessary travel each day; provided that in counties new or hereafter having a population of 600,000 or more the members of the county canvassing boards in these counties shall be paid \$12 for each eight hours of service as members of the canvassing board, and mileage a sum not less than the prevailing Minnesota minimum wage for each hour necessarily spent and an amount for each mile of necessary travel, equal to the amount allowed for state employees pursuant to section 471.665, subdivision 1;

(d) The compensation for election judges in home rule charter and statutory cities shall be fixed by the governing body of the city. The compensation of election judges in unorganized territory shall be fixed by the county board. The compensation for election judges in towns shall be fixed by the town board. *Election judges in towns and unorganized territory shall receive not less than the prevailing Minnesota minimum wage for each hour spent carrying out their duties at the polling places.* An election judge who travels to pick up election supplies or to deliver election returns to the county auditor shall receive, in addition to other compensation authorized by this section, a sum not less than the prevailing Minnesota minimum wage for each hour spent performing these duties, plus mileage in the same amount as allowed for state employees pursuant to section 471.665, subdivision 1; and

(e) To special peace officers, an amount for each hour of service rendered by direction of the judges, to be fixed as in the case of judges of election.

Sec. 2. The amendment of section 1 to Minnesota Statutes, 1979 Supplement, Section 204A.23, supersedes any other amendment to Section 204A.23 enacted at the 1980 legislative session."

Page 2, after line 5, insert:

"Sec. 6. Laws 1980, Chapter 357, Section 21, is amended to read:

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

(1) Administer and supervise all forms of public assistance pro-

vided for by state law and other welfare activities or services as may from time to time be vested in the commissioner.

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

(3) Administer and supervise all non-institutional service to handicapped persons, including the blind, the deaf, the tuberculous, the crippled, and otherwise handicapped persons. The authority and power conferred by this subdivision shall include the authority and power to provide and contract for the care and treatment of qualified indigent children in facilities other than those located and available at state hospitals when it is not feasible to provide the service in state hospitals.

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) Promulgate, by rule, standards of administration to be applied by local welfare boards administering state and county financed programs of medical assistance pursuant to chapter 256B, general relief medical care pursuant to section 256D.02, subdivision 4 and medical, hospital, and surgical care for persons eligible for general assistance pursuant to chapter 256D, or for indigent persons whose costs of hospitalization are paid pursuant

to sections 261.21 to 261.232. The rules shall specify a uniform standard of performance and a tolerated error rate, but shall not specify the minimum number of personnel to be employed by a local agency if the agency operates at the specified standard of performance or at or below the tolerated error rate. The commissioner may deduct from the earned administrative reimbursements of a county a penalty for the county's failure to comply with the standards of administration. The penalty shall be fixed by the commissioner as a percentage of the overexpenditure caused by improper administration, beyond an initial tolerated amount of overexpenditure. In the event that fiscal sanctions are imposed by the federal government because of improper administration of the programs, one-half of the amount of the sanctions attributable to local agency performance shall be deducted from administrative reimbursement otherwise due the county.

Sec. 7. Laws 1980, Chapter 361, Section 6, is amended to read:

Sec. 6. [EFFECTIVE DATE.] Sections one to ~~four~~ five are effective on October 1, 1980.

Sec. 8. Laws 1980, Chapter 373, is amended by adding a section to read:

Sec. 9. (a) Notwithstanding any provision in H. F. No. 1956 or any other law, a notice required by section 6 of this act upon default in the conditions of a contract for deed executed prior to May 1, 1980 is not required until July 1, 1980.

(b) A commitment for a contract for deed executed after final enactment of this act but prior to its effective date that provides for an interest rate that is lawful upon the effective date of this act is not usurious. For purposes of this section the terms used in this section have the meaning given them by this act.

(c) For purposes of this section the provisions of this act defining the terms used in this section are effective the day following final enactment.

Sec. 9. A law enacted at the 1980 regular session styled as S. F. No. 1865 is amended by adding a section to read:

Sec. 5. [EFFECTIVE DATE.] This act is effective the day following final enactment and applies to all offenses committed on or after that date.

Sec. 10. A law enacted at the 1980 regular session styled as S. F. No. 2117, is amended in sections 1 and 2, as follows:

Section 1. Minnesota Statutes 1978, Section 50.14, Subdivision 5, is amended to read:

Subd. 5. (1) Class four shall be:

(a) Notes or bonds secured by mortgages or trust deeds on unencumbered real estate, whether in fee or in a leasehold of a duration not less than ten years beyond the maturity of the loan, in any state of the United States, worth at least twice the amount loaned thereon;

(b) Notes or bonds secured by mortgages or trust deeds on unencumbered real estate in clause (1) (a) where the notes or bonds do not exceed 80 percent of the appraised value of the security for the same, provided that the notes or bonds are payable in installments aggregating not less than five percent of the original principal per annum in addition to the interest; or, are payable on a regular amortization basis in equal installments, including principal and interest, the installments to be payable monthly in such amounts that the debt will be fully paid in not to exceed 30 years if the security is non-agricultural real estate, and the installments to be payable annually or semi-annually in such amounts that the debt will be fully paid in not to exceed 25 years if the security is agricultural real estate. A construction loan is deemed amortized as required by this clause if the first installment thereon is payable not later than 18 months after the date of the first advance in the case of residential construction or not later than 36 months after the date of the first advance in the case of nonresidential construction; and

(c) Notes or bonds secured by mortgages or trust deeds on unencumbered real estate in clause (1) (a) which are in an original principal amount of \$100,000 or more and which do not exceed 95 percent of the appraised value of the security for the same which may be payable in a manner as the trustees of the bank prescribe, provided that construction loans made by a savings bank pursuant to this clause (1) (c) shall not exceed in the aggregate five percent of the assets of the savings bank.

(2) Class four investments shall be made only on report of a committee directed to investigate the same and report its value, according to the judgment of its members, and its report shall be preserved among the bank's records.

(3) Notwithstanding anything to the contrary in clause (1) (b), a mutual savings bank organized under the laws of this state may invest in notes or bonds secured by mortgages or trust deed where the notes or bonds do not exceed 95 percent of the appraised value of the security for the same. Except as modified herein, the other provisions of clause (1) (b) apply.

(4) For purposes of this subdivision, real estate is deemed unencumbered if the only existing mortgage or lien against the real estate is a first mortgage lien in favor of the savings bank making a second mortgage loan.

(5) Renegotiable rate notes or bonds secured by mortgages or trust deeds where the notes or bonds do not exceed 95 percent of the appraised value of the security for the same.

For the purposes of this clause, a renegotiable rate mortgage loan is a loan issued for a term of three years to five years, secured by a mortgage maturing in not to exceed 30 years, and automatically renewable at equal intervals after the original loan term which may be up to 6 months shorter or longer than subsequent terms. The loan must be repayable in equal monthly installments of principal and interest during the loan term, in an amount at

least sufficient to amortize a loan with the same principal and at the same interest rate over the remaining life of the mortgage.

In the mortgage documents, the savings bank must grant to the borrower an option to renew the loan for a new term, but not beyond the maturity date of the mortgage, at a new interest rate which shall be the savings bank's current market rate of interest on similar loans determined 60 days before the due date of the loan; provided, that the maximum interest rate increase shall be equal to one-half of one percent per year multiplied by the number of years in the loan term with a maximum net increase of five percent over the life of the mortgage. Interest rate increases are optional with the savings bank; net decreases from the previous loan term are mandatory.

The borrower may not be charged costs connected with the renewal of the loan.

Sixty days before the due date of the loan, the savings bank shall send a written notification to the borrower containing the following information: (i) The date on which the entire balance of borrower's loan is due and payable; (ii) a statement that the loan will be renewed automatically by the savings bank at the rate specified in the notice unless the borrower pays the loan by the due date; (iii) the amount of the monthly payment, calculated according to the new rate determined at the time of notice; (iv) a statement that the borrower may prepay the loan without penalty at any time after the original loan becomes due and payable; ~~(v) the cost, if any, of document preparation and recording; and (vi)~~ (v) the name and phone number of a savings bank employee who will answer the borrowers' questions concerning the information in the notice.

An applicant for a renegotiable rate mortgage loan must be given, at the time an application is requested, written disclosure materials prepared in reasonably simple terms that contain at least the following information: (i) An explanation of how a renegotiable rate mortgage differs from a standard fixed rate mortgage; (ii) an example of a renegotiable rate mortgage indicating the maximum possible interest rate increase and monthly payment calculated on that rate at the time of the first renewal; and (iii) an explanation of how the savings bank determines what the rate will be at the end of each loan term; and ~~(iv) an estimate of possible costs of renewal.~~

Sec. 2. Minnesota Statutes 1978, Section 51A.02, is amended by adding a subdivision to read:

Subd. 4a. Pursuant to rules the commissioner finds necessary and proper "direct reduction loan" also means renegotiable rate notes or bonds secured by mortgages or trust deeds where the notes or bonds do not exceed 95 percent of the appraised value of the security for the same.

For the purposes of this subdivision, a renegotiable rate mortgage loan is a loan issued for a term of three years to five years,

secured by a mortgage maturing in not to exceed 30 years, and automatically renewable at equal intervals after the original loan term which may be up to 6 months shorter or longer than subsequent terms. The loan must be repayable in equal monthly installments of principal and interest during the loan term, in an amount at least sufficient to amortize a loan with the same principal and at the same interest rate over the remaining life of the mortgage.

In the mortgage documents, the association must grant to the borrower an option to renew the loan for a new term, but not beyond the maturity date of the mortgage, at a new interest rate which shall be the association's current market rate of interest on similar loans determined 60 days before the due date of the loan; provided, that the maximum interest rate increase shall be equal to one-half of one percent per year multiplied by the number of years in the loan term with a maximum net increase of five percent over the life of the mortgage. Interest rate increases are optional with the association; net decreases from the previous loan term are mandatory.

The borrower may not be charged costs connected with the renewal of the loan.

Sixty days before the due date of the loan, the association shall send a written notification to the borrower containing the following information: (i) The date on which the entire balance of borrower's loan is due and payable; (ii) a statement that the loan will be renewed automatically by the association at the rate specified in the notice unless the borrower pays the loan by the due date; (iii) the amount of the monthly payment, calculated according to the new rate determined at the time of notice; (iv) a statement that the borrower may prepay the loan without penalty at any time after the original loan becomes due and payable; ~~(v) the cost, if any, of document preparation and recording; and (vi)~~ (v) the name and phone number of an association employee who will answer the borrowers' questions concerning the information in the notice.

An applicant for a renegotiable rate mortgage loan must be given, at the time an application is requested, written disclosure materials prepared in reasonably simple terms that contain at least the following information: (i) An explanation of how a renegotiable rate mortgage differs from a standard fixed rate mortgage; (ii) an example of a renegotiable rate mortgage indicating the maximum possible interest rate increase and monthly payment calculated on that rate at the time of the first renewal; and (iii) an explanation of how the association determines what the rate will be at the end of each loan term; ~~and (iv) an estimate of possible costs of renewal.~~

Sec. 11. A law passed at the 1980 regular session styled as H. F. No. 1710, Section 15, is amended by adding at the end thereof two clauses to read:

(e) Providing advice to individuals requesting assistance in finding ride sharing opportunities and programs;

(f) *Providing van leasing, insurance, and management assistance to individuals and persons implementing ride sharing programs.*

Sec. 12. A law enacted at the 1980 regular session styled as H. F. No. 1878, Section 8, is amended in the first sentence by deleting "2" and inserting "1 to".

Sec. 13. A law enacted at the 1980 regular session styled as H. F. No. 1942, Section 3, is amended by deleting "section 2" and inserting "section 1".

Sec. 14. [EFFECTIVE DATE.] *This act is effective the day following final enactment.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after "amending" insert "Minnesota Statutes, 1979 Supplement, Section 204A.23;"

Page 1, line 7, delete "and" and insert "357, Section 21;" and before the period, insert "; 361, Section 6; and 373, by adding a section; amending laws enacted at the 1980 regular session styled as S. F. No. 1865, by adding a section; S. F. No. 2117, Sections 1 and 2; H. F. No. 1710, Section 15; H. F. No. 1878, Section 8; and H. F. No. 1942, Section 3"

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S. F. No. 2419 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mrs. Stokowski moved that the name of Mr. Luther be added as co-author to S. F. No. 2122. The motion prevailed.

Mr. Renneke moved that H. F. No. 1768, No. 1 on the Calendar, be stricken and re-referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to revert to the Order of Business of Messages From the House. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S. F. No. 1358.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned April 2, 1980

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

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.

Senate File No. 1708 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned April 2, 1980

Mrs. Brataas moved that the Senate concur in the amendments by the House to S. F. No. 1708 and that the bill be placed on its repassage as amended.

Mr. Willet moved that the Senate do not concur in the amendments by the House to S. F. No. 1708 and that a Conference Committee of 3 members be appointed by the Committee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House.

Mrs. Brataas moved that S. F. No. 1708 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

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.

Senate File No. 407 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned April 2, 1980

CONCURRENCE AND REPASSAGE

Mr. Peterson moved that the Senate concur in the amendments

by the House to S. F. No. 407 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 407 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 37 and nays 23, as follows:

Those who voted in the affirmative were:

Ashbach	Jensen	Nichols	Renneke	Strand
Benedict	Johnson	Olhoft	Rued	Ueland, A.
Bernhagen	Kleinbaum	Olson	Setzepfandt	Ulland, J.
Chmielewski	Knaak	Omann	Sieloff	Vega
Dunn	Lessard	Penny	Sikorski	Willet
Engler	Menning	Perpich	Solon	
Gearty	Moe	Peterson	Stern	
Hanson	Nelson	Pillsbury	Stokowski	

Those who voted in the negative were:

Anderson	Dieterich	Keefe, J.	Luther	Staples
Bang	Frederick	Kirchner	Merriam	Stumpf
Barrette	Gunderson	Knoll	Ogdahl	Tennessen
Brataas	Hughes	Knutson	Purfeerst	
Davies	Humphrey	Laufenburger	Spear	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1818 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1818 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 2, 1980

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 resident 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 between 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 per-

cent 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."*

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: (Signed) Leo J. Reding, Douglas W. Carlson, Richard J. Kostohryz

Senate Conferees: (Signed) Collin C. Peterson, Bob Lessard, John Bernhagen

Mr. Peterson moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1818 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 1818 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 54 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knutson	Penny	Staples
Ashbach	Frederick	Laufenburger	Perpich	Stern
Bang	Gearty	Luther	Peterson	Stokowski
Barrette	Gunderson	Menning	Pillsbury	Strand
Benedict	Hanson	Moe	Purfeerst	Stumpf
Bernhagen	Hughes	Nelson	Renneke	Tennessen
Chmielewski	Humphrey	Nichols	Rued	Ueland, A.
Coleman	Keefe, J.	Ogdahl	Setzepfandt	Ulland, J.
Davies	Kleinbaum	Olhoft	Sieloff	Vega
Dieterich	Knaak	Olson	Sikorski	Willett
Dunn	Knoll	Omann	Spear	

Mr. Merriam voted in the negative.

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1727 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1727 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 2, 1980

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 acknowledgment 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 lowd 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) 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 residencies commenced on or after that date. Sections 10 to 13 are effective August 1, 1980."

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: (Signed) Ray W. Faricy, Michael R. Sieben, Terry M. Dempsey

Senate Conferees: (Signed) Jack Davies, Ron Sieloff, Howard A. Knutson

Mr. Davies moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1727 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 1727 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 57 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Penny	Staples
Ashbach	Gearly	Lessard	Perpich	Stern
Bang	Gunderson	Luther	Pillsbury	Strand
Barrette	Hanson	Menning	Purfeerst	Stumpf
Benedict	Hughes	Merriam	Renneke	Tennessee
Bernhagen	Humphrey	Moe	Rued	Ueland, A.
Brataas	Jensen	Nelson	Schaaf	Ulland, J.
Chmielewski	Johnson	Nichols	Setzepfandt	Vega
Coleman	Keefe, J.	Ogdahl	Sieloff	Willet
Davies	Kirchner	Olhoff	Sikorski	
Dunn	Kleinbaum	Olson	Solon	
Engler	Knaak	Omann	Spear	

Mr. Knoll voted in the negative.

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1612 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1612 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 3, 1980

CONFERENCE COMMITTEE REPORT ON 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; ap-

appropriating money; amending Minnesota Statutes 1978, Sections 462.351; and 462.358, Subdivision 4.

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. 1612, 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. 1612 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [CITATION; POLICY; PURPOSE.] *Subdivision 1. Sections 2 to 17 may be cited as the "metropolitan agricultural preserves act".*

Subd. 2. It is the policy of the state to encourage the use and improvement of its agricultural lands for the production of food and other agricultural products. It is the purpose of sections 2 to 17 to provide an orderly means by which lands in the metropolitan area designated for long term agricultural use through the local and regional planning processes will be taxed in an equitable manner reflecting the long term singular use of the property, protected from unreasonably restrictive local and state regulation of normal farm practices, protected from indiscriminate and disruptive taking of farmlands through eminent domain actions, protected from the imposition of unnecessary special assessments, and given such additional protection and benefits as are needed to maintain viable productive farm operations in the metropolitan area.

Sec. 2. [DEFINITIONS.] *Subdivision 1. For purposes of sections 2 to 17 the terms defined in this section shall have the meanings given them.*

Subd. 2. "Agricultural preserve" or "preserve" means a land area covenanted according to section 5 to remain in agricultural use.

Subd. 3. "Agricultural use" means the production for sale of livestock, dairy animals, dairy products, poultry or poultry products, fur bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, or bees and apiary products. Wetlands, pasture and woodlands accompanying land in agricultural use shall be deemed to be in agricultural use.

Subd. 4. "Authority" means the unit of government exercising planning and zoning authority for the land specified in an application as provided under section 5 and pursuant to Minnesota Statutes, Sections 394.21 to 394.37, 462.351 to 462.364, or 366.10 to

366.19. Where both a county and a township have adopted zoning regulations, the authority shall be the unit of government designated to prepare a comprehensive plan pursuant to Minnesota Statutes, Section 473.861, Subdivision 2.

Subd. 5. "Certified long term agricultural land" means land certified pursuant to section 4 as eligible for designation as agricultural preserves.

Subd. 6. "Covenant agreement" means a restrictive covenant initiated by the owner and evidenced by an agreement provided for in section 5 whereby the owner places the limitations on specified land and receives the protections and benefits contained in sections 2 to 17.

Subd. 7. "Long term agricultural land" means land in the metropolitan area designated for agricultural use in local or county comprehensive plans adopted and reviewed pursuant to Minnesota Statutes, Sections 473.175, and 473.351 to 473.871, and which has been zoned specifically for agricultural use permitting a maximum residential density of not more than one unit per quarter/quarter.

Subd. 8. "Metropolitan area" has the meaning given it in Minnesota Statutes, Section 473.121, Subdivision 2.

Subd. 9. "Owner" means a resident of the United States owning land specified in an application pursuant to section 5, and includes an individual, legal guardian or family farm corporation as defined in Minnesota Statutes, Section 500.24, having a joint or common interest in the land. Where land is subject to a contract for deed, owner means the vendor in agreement with the vendee.

Subd. 10. "Quarter/quarter" means one quarter of one quarter of any section in the rectangular land survey system.

Sec. 3. [ELIGIBILITY.] Subdivision 1. Long term agricultural land comprising 40 or more acres shall be eligible for designation as an agricultural preserve.

Subd. 2. Noncontiguous parcels may be included to achieve the minimum acreage requirement in subdivision 1, provided that each parcel is at least ten acres in size and provided that all separate parcels are farmed together as a unit.

Subd. 3. The minimum acreage requirement in subdivision 1 may be reduced to 35 acres provided the land is a single quarter/quarter parcel and the amount less than 40 acres is due to a public road right-of-way or a perturbation in the rectangular survey system resulting in a quarter/quarter of less than 40 acres.

Subd. 4. Contiguous long term agricultural land comprising not less than 20 acres and surrounded by eligible land on not less than two sides shall be eligible for designation as an agricultural preserve provided the authority by resolution determines that: (i) the land area predominantly comprises Class I, II, III, or irrigated Class IV land according to the Land Capability Classification Systems of the Soil Conservation Service and the county soil

survey; (ii) the land area is considered by the authority to be an essential part of the agricultural region; and (iii) the parcel was a parcel of record prior to January 1, 1980, or the land was an agricultural preserve prior to becoming a separate parcel of at least 20 acres.

Subd. 5. Contiguous long term agricultural land meeting the total acreage requirements of this section but located in two or more authorities so that the minimum acreage requirement is not met in one or more of the authorities shall be eligible by joint resolution of the affected authorities.

Sec. 4. [CERTIFICATION.] *Subdivision 1. On or before January 1, 1981 each authority in the metropolitan area having land classified agricultural pursuant to Minnesota Statutes, Section 273.13 shall certify by resolution using appropriate maps which lands, if any, are eligible for designation as agricultural preserves. Maps shall be in sufficient detail to identify eligible lands by property boundaries. Notification of the certification shall be published in a newspaper having a general circulation within the area of jurisdiction of the authority. No additional lands shall qualify for designation as agricultural preserves until the authority certifies qualification.*

Subd. 2. Land shall cease to be eligible for designation as an agricultural preserve when the comprehensive plan and zoning for the land have been amended so that the land is no longer planned for long term agricultural use and is no longer zoned for long term agricultural use, evidenced by a maximum residential density permitting more than one unit per 40 acres. When changes have been made, the authority shall certify by resolution and appropriate maps which lands are no longer eligible. Notification of the decertification shall be published in a newspaper having a general circulation within the area of jurisdiction of the authority.

Subd. 3. The authority shall provide the metropolitan council with suitable maps showing any lands certified eligible pursuant to subdivision 1 or decertified pursuant to subdivision 2. The metropolitan council shall maintain maps of the metropolitan area showing all certified long term agricultural lands.

Sec. 5. [APPLICATION; COVENANT AGREEMENT.] *Subdivision 1. An owner or owners of certified long term agricultural land may apply to the authority with jurisdiction over the land on forms provided by the commissioner of agriculture for the creation of an agricultural preserve at any time. Land for which application is received prior to March 1 of any year shall be assessed pursuant to section 10 for taxes payable in the following year. Land for which application is received on or after March 1 of any year shall be assessed pursuant to section 10 in the following year. The application shall contain at least the following information and such other information as the commissioner deems necessary:*

(a) Legal description of the area proposed to be designated or parcel identification numbers as designated by the county auditor;

(b) Name and address of owner;

(c) *An affidavit by the authority evidencing that the land is certified long term agricultural land at the date of application;*

(d) *A witnessed signature of the owner covenanting that the land shall be kept in agricultural use, and shall be used in accordance with the provisions of sections 2 to 17 which exist on the date of application;*

(e) *A statement that the restrictive covenant shall be binding on the owner or his successor or assignee, and shall be an easement running with the land;*

(f) *Date of application and date that designation is effectuated.*

Subd. 2. The authority may require an application fee, not to exceed \$50, to defray administrative costs.

Sec. 6. [NOTIFICATION.] Subdivision 1. Within five days of the date of application, the authority shall forward copies of the completed and signed application to the county recorder, the county auditor, the county assessor, the metropolitan council, and the county soil and water conservation district.

Subd. 2. The county recorder shall file and record the restrictive covenant.

Subd. 3. The county auditor, for taxes payable in the following year and thereafter for the duration of the preserve, shall determine mill rates, assessments and taxes involving the preserve according to the provisions of section 10.

Subd. 4. The county assessor, for taxes payable in the following calendar year and thereafter for the duration of the preserve, shall value and assess the agricultural preserve according to section 10.

Subd. 5. The metropolitan council shall maintain agricultural preserve maps, illustrating (a) certified long term agricultural lands; and (b) lands covenanted as agricultural preserves. The council shall make yearly reports to the state planning agency and such other agencies as the council deems appropriate.

Subd. 6. County auditors shall maintain records of the taxes assessed and paid on agricultural preserves in a manner prescribed by the commissioner of revenue for the orderly monitoring of the program.

Subd. 7. The county soil and water conservation district may prepare an advisory statement of existing and potential conservation problems for the agricultural preserve land. The statement shall be forwarded to the owner of record and a copy of the statement shall be forwarded to the authority.

Sec. 7. [COMMENCEMENT OF PRESERVE.] A land area shall be deemed an agricultural preserve and subject to all the benefits and restrictions of sections 2 to 17 commencing 30 days from the date of application.

Sec. 8. [DURATION.] Subdivision 1. Agricultural preserves

shall continue until either the landowner or the authority initiates expiration as provided in this section.

Subd. 2. A landowner may initiate expiration by notifying the authority on a form provided by the commissioner of agriculture. The notice shall describe the property for which expiration is desired and shall state the date of expiration which shall be at least eight years from the date of notice. The notice and expiration may be rescinded by the owner at any time during the first two years following notice.

Subd. 3. The authority may initiate expiration by notifying the landowner by registered letter on a form provided by the commissioner of agriculture, provided that before notification (i) the comprehensive plan and the zoning for the land have been officially amended so that the land is no longer planned for long term agriculture and is no longer zoned for long term agriculture, evidenced by a maximum residential density permitting more than one unit per quarter/quarter, and (ii) the authority has certified such changes pursuant to section 4, subdivision 2. The notice shall describe the property for which expiration is desired and shall state the date of expiration which shall be at least eight years from the date of notice.

Subd. 4. Upon receipt of the notice provided in subdivision 2, or upon notice served by the authority as provided in subdivision 3, the authority shall notify the county recorder, county auditor, county assessor, the metropolitan council, and the county soil and water conservation district of the date of expiration. Designation as an agricultural preserve and all benefits and limitations accruing through sections 2 to 17 for the preserve shall cease on the date of expiration.

Sec. 9. [EARLY TERMINATION.] Termination of an agricultural preserve earlier than a date derived through application of section 8 may be permitted only in the event of a public emergency upon petition from the owner or authority to the governor. The determination of a public emergency shall be by the governor through executive order pursuant to Minnesota Statutes, Sections 4.035 and 12.01 to 12.46. The executive order shall identify the preserve, the reasons requiring the action and the date of termination.

Sec. 10. [AD VALOREM PROPERTY TAXES.] Subdivision 1. Real property within an agricultural preserve shall be valued and assessed pursuant to Minnesota Statutes, Chapter 273, except as provided in this section.

Subd. 2. All land classified agricultural and in agricultural use, exclusive of buildings, shall be valued solely with reference to its appropriate agricultural classification and value, notwithstanding Minnesota Statutes, Sections 272.03, Subdivision 8, and 273.11. In determining the value for ad valorem tax purposes the assessor shall not consider any added values resulting from nonagricultural factors.

Subd. 3. (a) After the assessor has determined the market value

of all land valued according to subdivision 2, he shall compute the assessed value of those properties by applying the appropriate classification percentages. When the county auditor computes the rate of tax pursuant to Minnesota Statutes, Section 275.09, he shall include the assessed value of land as provided in this clause.

(b) The county auditor shall compute the tax on lands valued according to subdivision 2 and nonresidential buildings by multiplying the assessed value times the total rate of tax for all purposes as provided in clause (a).

(c) The county auditor shall then compute the maximum ad valorem property tax on lands valued according to subdivision 2 and nonresidential buildings by multiplying the assessed value times 105 percent of the previous year's statewide average mill rate levied on property located within townships for all purposes.

(d) The tax due and payable by the owner of preserve land valued according to subdivision 2 and nonresidential buildings will be the amount determined in clause (b) or (c), whichever is less. If the gross tax in clause (c) is less than the gross tax in clause (b), the state shall reimburse the taxing jurisdictions for the amount of difference. Residential buildings shall continue to be valued and classified according to the provisions of Minnesota Statutes, Sections 273.11 and 273.13, as they would be in the absence of this section, and the tax on those buildings shall not be subject to the limitation contained in this clause.

The county auditor shall certify to the commissioner of revenue on or before June 1, 1983, and each year thereafter, the total amount of tax lost to the taxing jurisdictions located within his county as a result of this subdivision. Payments shall be made by the state annually on or before July 15, 1983 and each year thereafter to each of the affected taxing jurisdictions. There is annually appropriated from the general fund in the state treasury to the commissioner of revenue an amount sufficient to make the reimbursement provided in this subdivision. This section shall be effective for taxes levied in 1982, payable in 1983 and thereafter.

Sec. 11. [LIMITATION ON CERTAIN PUBLIC PROJECTS.] Notwithstanding Minnesota Statutes, Chapter 429, construction projects for public sanitary sewer systems and public water systems benefiting land or buildings in agricultural preserves shall be prohibited. New connections between land or buildings in agricultural preserves and sanitary sewers or water systems shall be prohibited. Public sanitary sewer or water systems built in the vicinity of agricultural preserves are deemed of no benefit to the land and buildings in agricultural preserves.

Sec. 12. [PROTECTION FOR NORMAL FARM PRACTICES.] Local governments and counties shall be prohibited from enacting ordinances or regulations within an agricultural preserve which would unreasonably restrict or regulate normal farm structures or farm practices in contravention of the purpose of sections 2 to 17 unless the restriction or regulation bears a direct relationship to the public health and safety. This section shall apply to the

operation of farm vehicles and machinery in the planting, maintenance and harvesting of crops and in the care and feeding of farm animals, the type of farming, and the design of farm structures, exclusive of residences.

Sec. 13. [STATE AGENCIES TO BE SUPPORTIVE.] Subdivision 1. It shall be the policy of all state agencies to encourage the maintenance of viable farming in agricultural preserves.

Subd. 2. The joint legislative committee on agricultural land preservation shall undertake a study of state agency rules which negatively affect long term agricultural lands. The committee shall identify any state rules which favor nonagricultural development and adversely affect the long term nature of farming in an agricultural preserve. For any rules so identified, the committee shall propose modifications for application to agricultural preserves encourage agriculture as the primary and long term use of land within an agricultural preserve while protecting the health, safety, and welfare of the public. The committee shall make a report on this study to the legislature by January 1, 1982.

Sec. 14. [ANNEXATION PROCEEDINGS.] Agricultural preserve land within a township shall not be annexed to a municipality pursuant to Minnesota Statutes, Chapter 414, without a specific finding by the Minnesota municipal board that either (a) the expiration period as provided for in section 8 has begun; (b) the surviving unit of government due to size, tax base, population or other relevant factors would not be able to provide normal governmental functions and services; or (c) the agricultural preserve would be completely surrounded by lands within a municipality.

This section shall not apply to annexation agreements approved by the Minnesota municipal board prior to creation of the preserve.

Sec. 15. [EMINENT DOMAIN ACTIONS.] Subdivision 1. Any agency of the state, any public benefit corporation, any local, county or regional unit of government, or any other entity possessing powers of eminent domain under Minnesota Statutes, Chapter 117, shall follow the procedures contained in this section before (1) acquiring any land or easement having a gross area over ten acres in size within agricultural preserves; or (2) advancing a grant, loan, interest subsidy or other funds for the construction of dwellings, commercial or industrial facilities, or water or sewer facilities that could be used to serve nonfarm structures within agricultural preserves.

Subd. 2. At least 60 days prior to an action described in subdivision 1, notice of intent shall be filed with the environmental quality board containing information and in the manner and form required by the environmental quality board. The notice of intent shall contain a report justifying the proposed action, including an evaluation of alternatives which would not require acquisition within agricultural preserves.

Subd. 3. The environmental quality board, in consultation with

affected units of government, shall review the proposed action to determine the effect of the action on the preservation and enhancement of agriculture and agricultural resources within the preserves and the relationship to local and regional comprehensive plans.

Subd. 4. If the environmental quality board finds that the proposed action might have an unreasonable effect on an agricultural preserve or preserves, the environmental quality board shall issue an order within the 60 day period for the party to desist from such action for an additional 60 day period.

Subd. 5. During the additional 60 day period, the environmental quality board shall hold a public hearing concerning the proposed action at a place within the affected preserve or otherwise easily accessible to the preserve upon notice in a newspaper having a general circulation within the area of the preserves, and individual notice, in writing, to the municipalities whose territory encompasses the preserves, the agency, corporation or government proposing to take the action, and any public agency having the power of review of or approval of the action, in a manner conducive to the wide dissemination of the findings to the public.

Subd. 6. The review process required in this section may be conducted jointly with any other environmental impact review conducted by the environmental quality board.

Subd. 7. The environmental quality board may request the attorney general to bring an action to enjoin any agency, corporation or government from violating the provisions of this section.

Subd. 8. This section shall not apply to an emergency project which is immediately necessary for the protection of life and property.

Subd. 9. The environmental quality board shall be empowered to suspend any eminent domain action for up to one year which it determines to be contrary to the purposes of sections 2 to 17 and for which it determines there are feasible and prudent alternatives which have less negative impact on the agricultural preserves.

Sec. 16. [CONSERVATION.] Subdivision 1. Land within an agricultural preserve shall be farmed and otherwise managed according to sound soil and water conservation management practices. Management practices which are not sound shall be any use of the land resulting in wind or water erosion in excess of the soil loss tolerance for each soil type as found in the United States soil conservation service, Minnesota technical guide.

Subd. 2. The authority shall be responsible for enforcing this section. Upon receipt of a written complaint stating the conditions or land management practices which are believed to be in violation of this section, the authority shall consult with the county soil and water conservation district. The district shall determine the average soil loss in tons per acre per year for each field cited in the complaint according to the universal soil loss equation and the wind erosion equation, and shall return to the authority a report showing the average soil loss in tons per acre per year for each

field and a list of alternative practices that the landowner can use to reduce the soil loss to the limit allowed in subdivision 1. After consultation, and if in the judgment of the authority the land is not being managed properly as required by this section, the authority shall adopt a resolution to this effect and shall seek corrective measures from the owner. At the request of the landowner, the district shall assist in the planning, design and application of the practices selected to reduce the soil loss to an acceptable level and shall give such landowners a high priority for providing technical and cost share assistance.

Subd. 3. Any owner who fails to implement corrective measures to the satisfaction of the authority within one year of notice from the authority shall be subject to a fine of not more than \$1,000. The authority may recover the penalty by a civil action in a court of competent jurisdiction.

Subd. 4. Costs incurred by the authority in the enforcement of this section may be charged to the property owner. Charges not timely paid may be placed on the tax rolls and collected as a special assessment against the property.

Sec. 17. [LAND USE.] *Subdivision 1. Land within an agricultural preserve shall be maintained for agricultural production. The average maximum density of residential structures within an agricultural preserve shall not exceed one unit per 40 acres. The location of any new structure shall conform to locally applicable zoning regulations. Commercial and industrial uses shall not be permitted except that small on-farm commercial or industrial operations normally associated with and important to farming in the area may be permitted by the authority. The authority shall be responsible for enforcing this section.*

Subd. 2. When a separate parcel is created for a residential structure permitted under subdivision 1, the parcel shall cease to be an agricultural preserve unless the eligibility requirements of section 3 are met. However, the residential unit shall continue to be included in the maximum residential density for the original preserve.

Sec. 18. *Minnesota Statutes 1978, Section 462.351, is amended to read:*

462.351 [MUNICIPAL PLANNING AND DEVELOPMENT; STATEMENT OF POLICY.] *The legislature finds that municipalities are faced with mounting problems in providing means of guiding future development of land so as to insure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities, to preserve agricultural and other open lands, and to promote the public health, safety, morals and general welfare. Municipalities can prepare for anticipated changes and by such preparations bring about significant savings in both private and public expenditures. Municipal planning, by providing public guides to future municipal action, enables other public and private agencies to plan their activities in harmony with the municipality's plans. Municipal planning will assist in developing lands more wisely to serve citizens more effec-*

tively, will make the provision of public services less costly, and will achieve a more secure tax base. It is the purpose of sections 462.351 to 462.364 to provide municipalities, in a single body of law, with the necessary powers and a uniform procedure for adequately conducting and implementing municipal planning.

Sec. 19. Minnesota Statutes 1978, Section 462.352, is amended by adding a subdivision to read:

Subd. 12. "Subdivision" means the separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations:

(a) Where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;

(b) Creating cemetery lots;

(c) Resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.

Sec. 20. Minnesota Statutes 1978, Section 462.352, is amended by adding a subdivision to read:

Subd. 14. "Plat" means the drawing or map of a subdivision prepared for filing of record pursuant to chapter 505 and containing all elements and requirements set forth in applicable local regulations adopted pursuant to section 462.358 and chapter 505.

Sec. 21. Minnesota Statutes 1978, Section 462.352, is amended by adding a subdivision to read:

Subd. 15. "Subdivision regulation" means an ordinance adopted pursuant to section 462.358 regulating the subdivision of land.

Sec. 22. Minnesota Statutes 1978, Section 462.352, is amended by adding a subdivision to read:

Subd. 16. "Official controls" or "controls" means ordinances and regulations which control the physical development of a city, county or town or any part thereof or any detail thereof and implement the general objectives of the comprehensive plan. Official controls may include ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes and official maps.

Sec. 23. Minnesota Statutes 1978, Section 462.352, is amended by adding a subdivision to read:

Subd. 17. "Preliminary approval" means official action taken by a municipality on an application to create a subdivision which establishes the rights and obligations set forth in section 462.358 and the applicable subdivision regulation. In accordance with section 462.358, and unless otherwise specified in the applicable sub-

division regulation, preliminary approval may be granted only following the review and approval of a preliminary plat or other map or drawing establishing without limitation the number, layout, and location of lots, tracts, blocks, and parcels to be created, location of streets, roads, utilities and facilities, park and drainage facilities, and lands to be dedicated for public use.

Sec. 24. Minnesota Statutes 1978, Section 462.355, Subdivision 4, is amended to read:

Subd. 4. [INTERIM ORDINANCE.] *If a municipality is conducting or in good faith intends to conduct studies within a reasonable time or has authorized a study to be conducted or has held or has scheduled a hearing for the purpose of considering adoption or amendment of a comprehensive plan or official controls as defined in section 473.852 462.352, subdivision 16, or if new territory for which plans or controls have not been adopted is annexed to a municipality, the governing body of the municipality may adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety and welfare of its citizens. The interim ordinance may regulate, restrict or prohibit any use or , development, or subdivision within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is created effective, and may be renewed extended for one additional year such additional periods as the municipality may deem appropriate, not exceeding a total additional period of 18 months. No interim ordinance may halt, delay, or impede a subdivision which has been given preliminary approval prior to the effective date of the interim ordinance.*

Sec. 25. Minnesota Statutes 1978, Section 462.358, is amended by adding a subdivision to read:

Subd. 1a. [AUTHORITY.] *To protect and promote the public health, safety, and general welfare, to provide for the orderly, economic, and safe development of land, to preserve agricultural lands, to promote the availability of housing affordable to persons and families of all income levels, and to facilitate adequate provision for transportation, water, sewage, storm drainage, schools, parks, playgrounds, and other public services and facilities, a municipality may by ordinance adopt subdivision regulations establishing standards, requirements, and procedures for the review and approval or disapproval of subdivisions. The regulations may contain varied provisions respecting, and be made applicable only to, certain classes or kinds of subdivisions. The regulations shall be uniform for each class or kind of subdivision.*

A municipality may by resolution extend the application of its subdivision regulations to unincorporated territory located within two miles of its limits in any direction but not in a town which has adopted subdivision regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the subdivision of land equal distance from its boundaries within this area. However, if a municipality extends the application of its subdivision or zoning regulations to unincorporated territory, upon the petition of any

county board or town board affected by the subdivision or zoning regulations, a joint board shall be established consisting of a three-member committee with one member appointed from each of the municipal, town and county governing bodies. This joint board shall adopt zoning and subdivision regulations under Minnesota Statutes, Sections 462.351 to 462.364 for the entire area within two miles of the city located within a town, and designate one of the governing bodies to serve as the governing body and board of appeals and adjustment for purposes of sections 462.357 and 462.358 within the area. During the time before the joint board adopts subdivision regulations, the subdivision regulations which the municipality has extended shall apply.

Sec. 26. Minnesota Statutes 1978, Section 462.358, is amended by adding a subdivision to read:

Subd. 2a. [TERMS OF REGULATIONS.] The standards and requirements in the regulations may address without limitation: the size, location, grading, and improvement of lots, structures, public areas, streets, roads, trails, walkways, curbs and gutters, water supply, storm drainage, lighting, sewers, electricity, gas, and other utilities; the planning and design of sites; access to solar energy; and the protection and conservation of flood plains, shore lands, soils, water, vegetation, energy, air quality, and geologic and ecologic features. The regulations shall require that subdivisions be consistent with the municipality's official map if one exists and its zoning ordinance, and may require consistency with other official controls and the comprehensive plan. The regulations may prohibit certain classes or kinds of subdivisions in areas where prohibition is consistent with the comprehensive plan and the purposes of this section, particularly the preservation of agricultural lands. The regulations may prohibit the issuance of building permits for any tracts, lots, or parcels for which required subdivision approval has not been obtained. The regulations may permit the municipality to condition its approval on the construction and installation of sewers, streets, electric, gas, drainage, and water facilities, and similar utilities and improvements or, in lieu thereof, on the receipt by the municipality of a cash deposit, certified check, irrevocable letter of credit, or bond in an amount and with surety and conditions sufficient to assure the municipality that the utilities and improvements will be constructed or installed according to the specifications of the municipality. The regulations may permit the municipality to condition its approval on compliance with other requirements reasonably related to the provisions of the regulations and to execute development contracts embodying the terms and conditions of approval. The municipality may enforce such agreements and conditions by appropriate legal and equitable remedies.

Sec. 27. Minnesota Statutes 1978, Section 462.358, is amended by adding a subdivision to read:

Subd. 2b. [DEDICATION.] The regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for public use as streets, roads, sewers, electric,

gas, and water facilities, storm water drainage and holding areas or ponds and similar utilities and improvements.

In addition, the regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for public use as parks, playgrounds, trails, or open space; provided that (a) the municipality may choose to accept an equivalent amount in cash from the applicant for part or all of the portion required to be dedicated to such public uses or purposes based on the fair market value of the land no later than at the time of final approval, (b) any cash payments received shall be placed in a special fund by the municipality used only for the purposes for which the money was obtained, (c) in establishing the reasonable portion to be dedicated, the regulations may consider the open space, park, recreational, or common areas and facilities which the applicant proposes to reserve for the subdivision and (d) the municipality reasonably determines that it will need to acquire that portion of land for the purposes stated in this paragraph as a result of approval of the subdivision.

Sec. 28. Minnesota Statutes 1978, Section 462.358, is amended by adding a subdivision to read:

Subd. 3a. [PLATTING.] The regulations may require that any subdivision creating parcels, tracts, or lots, shall be platted. The regulations shall require that all subdivisions which create five or more lots or parcels which are 2½ acres or less in size shall be platted. The regulations shall not conflict with the provisions of chapter 505 but may address subjects similar and additional to those in that chapter.

Sec. 29. Minnesota Statutes 1978, Section 462.358, is amended by adding a subdivision to read:

Subd. 3b. [REVIEW PROCEDURES.] The regulations shall include provisions regarding the content of applications for proposed subdivisions, the preliminary and final review and approval or disapproval of applications, and the coordination of such reviews with affected political subdivisions and state agencies. The regulations may provide for the consolidation of the preliminary and final review and approval or disapproval of subdivisions. Preliminary or final approval may be granted or denied for parts of subdivision applications. The regulations may prescribe fees sufficient to defray the costs incurred by the municipality in the review and investigation of and actions upon such applications. The regulations may delegate the authority to review proposals to the planning commission, but final approval or disapproval shall be the decision of the governing body of the municipality unless otherwise provided by law or charter. The regulations shall require that a public hearing shall be held on all subdivision applications prior to preliminary approval, unless otherwise provided by law or charter. The hearing shall be held following publication of notice of the time and place thereof in the official newspaper at least ten days before the day of the hearing. At the hearing, all persons interested shall be given an opportunity to make presentations. A subdivision application shall be preliminarily approved or dis-

approved within 120 days following delivery of an application completed in compliance with the municipal ordinance by the applicant to the municipality, unless an extension of the review period has been agreed to by the applicant. When a division or subdivision to which the regulations of the municipality do not apply is presented to the city, the clerk of the municipality shall within ten days certify that the subdivision regulations of the municipality do not apply to the particular division.

If the municipality or the responsible agency of the municipality fails to preliminarily approve or disapprove an application within the review period, the application shall be deemed preliminarily approved, and upon demand the municipality shall execute a certificate to that effect. Following preliminary approval the applicant may request final approval by the municipality, and upon such request the municipality shall certify final approval within 60 days if the applicant has complied with all conditions and requirements of applicable regulations and all conditions and requirements upon which the preliminary approval is expressly conditioned either through performance or the execution of appropriate agreements assuring performance. If the municipality fails to certify final approval as so required, and if the applicant has complied with all conditions and requirements, the application shall be deemed finally approved, and upon demand the municipality shall execute a certificate to that effect. After final approval a subdivision may be filed or recorded.

Sec. 30. Minnesota Statutes 1978, Section 462.358, is amended by adding a subdivision to read:

Subd. 3c. [EFFECT OF SUBDIVISION APPROVAL.] For one year following preliminary approval and for two years following final approval, unless the subdivider and the municipality agree otherwise, no amendment to a comprehensive plan or official control shall apply to or affect the use, development density, lot size, lot layout, or dedication or platting required or permitted by the approved application. Thereafter, pursuant to its regulations, the municipality may extend the period by agreement with the subdivider and subject to all applicable performance conditions and requirements, or it may require submission of a new application unless substantial physical activity and investment has occurred in reasonable reliance on the approved application and the subdivider will suffer substantial financial damage as a consequence of a requirement to submit a new application. In connection with a subdivision involving planned and staged development, a municipality may by resolution or agreement grant the rights referred to herein for such periods of time longer than two years which it determines to be reasonable and appropriate.

Sec. 31. Minnesota Statutes 1978, Section 462.358, is amended by adding a subdivision to read:

Subd. 4a. [DISCLOSURE BY SELLER; BUYER'S ACTION FOR DAMAGES.] A person conveying a new parcel of land which, or the plat for which, has not previously been filed or recorded, and which is part of or would constitute a subdivision to which adopted municipal subdivision regulations apply, shall attach to

the instrument of conveyance either: (a) recordable certification by the clerk of the municipality that the subdivision regulations do not apply, or that the subdivision has been approved by the governing body, or that the restrictions on the division of taxes and filing and recording have been waived by resolution of the governing body of the municipality in this case because compliance will create an unnecessary hardship and failure to comply will not interfere with the purpose of the regulations; or (b) a statement which names and identifies the location of the appropriate municipal offices and advises the grantee that municipal subdivision and zoning regulations may restrict the use or restrict or prohibit the development of the parcel, or construction on it, and that the division of taxes and the filing or recording of the conveyance may be prohibited without prior recordable certification of approval, nonapplicability, or waiver from the municipality. In any action commenced by a buyer of such a parcel against the seller thereof, the misrepresentation of or the failure to disclose material facts in accordance with this subdivision shall be grounds for damages. If the buyer establishes his right to damages, a district court hearing the matter may in its discretion also award to the buyer an amount sufficient to pay all or any part of the costs incurred in maintaining the action, including reasonable attorney fees, and an amount for punitive damages not exceeding five per centum of the purchase price of the land.

Sec. 32. Minnesota Statutes 1978, Section 462.358, Subdivision 4, is amended to read:

Subd. 4b . [RESTRICTIONS ON FILING AND RECORDING CONVEYANCES.] In a municipality in which subdivision regulations are in force and have been filed or recorded as provided in this section, no conveyance of land to which the regulations are applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat made after such regulations become effective. The foregoing provision does not apply to a conveyance if the land described:

(1) was a separate parcel of record April 1, 1945 or the date of adoption of subdivision regulations under Laws 1945, Chapter 287, whichever is the later, or of the adoption of subdivision regulations pursuant to a home rule charter, or

(2) was the subject of a written agreement to convey entered into prior to such time,

(3) was a separate parcel of not less than two and one-half acres in area and 150 feet in width on January 1, 1966, or

(4) was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980, or

~~(4)~~ (5) is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width, or

(6) is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.

In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the platting authority may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded. Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this subdivision shall forfeit and pay to the municipality a penalty of not less than \$100 for each lot or parcel so conveyed. A municipality may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.

Sec. 33. Minnesota Statutes 1978, Section 462.358, is amended by adding a subdivision to read:

Subd. 9. [LIMITATIONS.] Nothing in this section shall be construed to require a municipality to regulate subdivisions or to regulate all subdivisions which it is authorized to regulate by this section.

Sec. 34. [EXTENSION OF TIME FOR COMPLIANCE.] *Any municipality which has in effect on or before the effective date of this act an ordinance for subdivision controls may elect not to come into compliance with any change in subdivision regulations as may be required by this act until such time as the ordinance for subdivision controls is next amended.*

Sec. 35. Minnesota Statutes 1978, Sections 462.352, Subdivision 4; and 462.358, Subdivisions 1, 2, and 3 are repealed.

Sec. 36. [EFFECTIVE DATE.] *Sections 1 to 17 are effective on June 1, 1980."*

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

"A bill for an act relating to metropolitan government; providing for metropolitan area agricultural preserves; providing for municipal planning; authorizing regulation of subdivisions; providing a penalty; appropriating money; amending Minnesota Statutes 1978, Sections 462.351; 462.352, by adding subdivisions; 462.355, Subdivision 4; 462.358, Subdivision 4, and by adding subdivisions; repealing Minnesota Statutes 1978, Sections 462.352, Subdivision 4; and 462.358, Subdivisions 1, 2 and 3."

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

House Conferees: (Signed) William Schreiber, James R. Casserly and Connie M. Levi

Senate Conferees: (Signed) Gerry Sikorski, Steve Engler and Gene Merriam

Mr. Sikorski moved that the foregoing recommendations and

Conference Committee Report on H. F. No. 1612 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 1612 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 55 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knoll	Olson	Spear
Ashbach	Gearty	Knutson	Omann	Staples
Bang	Gunderson	Laufenburger	Penny	Stern
Barrette	Hanson	Luther	Perpich	Stokowski
Benedict	Hughes	Menning	Pillsbury	Strand
Bernhagen	Humphrey	Merriam	Purfeerst	Stumpf
Brataas	Johnson	Moe	Rued	Tennessen
Chmielewski	Keefe, J.	Nelson	Setzepfandt	Ueland, A.
Davies	Kirchner	Nichols	Sieloff	Ulland, J.
Dunn	Kleinbaum	Ogdahl	Sikorski	Vega
Engler	Knaak	Olhoft	Solon	Wilket

Mr. Renneke voted in the negative.

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1534 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1534 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 3, 1980

CONFERENCE COMMITTEE REPORT ON 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.

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. 1534, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments

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

House Conferees: (Signed) John L. Weaver, John T. Clawson, Leo J. Reding

Senate Conferees: (Signed) Roger E. Strand, Bob Lessard, Mel Frederick

Mr. Strand moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1534 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 1534 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Laufenburger	Penny	Stern
Ashbach	Gunderson	Lessard	Perpich	Stokowski
Bang	Hanson	Luther	Pillsbury	Strand
Barrette	Hughes	Menning	Purfeerst	Stumpf
Benedict	Humphrey	Merriam	Renneke	Tennessee
Bernhagen	Johnson	Moe	Rued	Ueland, A.
Brataas	Keefe, J.	Nelson	Setzepfandt	Ulland, J.
Chmielewski	Kirchner	Nichols	Sieloff	Vega
Davies	Kleinbaum	Ogdahl	Sikorski	Willet
Dunn	Knaak	Olhoff	Solon	
Engler	Knoll	Olson	Spear	
Frederick	Knutson	Omann	Staples	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 729 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 729 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 3, 1980

CONFERENCE COMMITTEE REPORT ON 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.

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. 729, 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. 729 be further amended as follows:

Page 1, line 19, delete "\$33" and insert "\$35"

Page 2, line 12, after "audits" insert "*at the same time as cost report audits required under section 256B.27, subdivision 2a, and at any other time but*"

Page 2, line 13, after "years" insert a comma

Page 2, lines 14 and 15, delete "*by the skilled nursing home or intermediate care facility*"

Page 2, lines 17 to 19, delete "*The field audits may be conducted at the same time as cost report audits required under section 256B.27, subdivision 2a.*"

Page 2, line 27 delete "shall" and insert "may"

Page 3, line 18, delete "\$540,000" and insert "\$452,500"

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

House Conferees: (Signed) Lee Greenfield, Janet H. Clark, John Drew

Senate Conferees: (Signed) Conrad M. Vega, Tom A. Nelson, John B. Keefe

Mr. Vega moved that the foregoing recommendations and Conference Committee Report on H. F. No. 729 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 729 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Penny	Stern
Ashbach	Gearty	Laufenburger	Perpich	Stokowski
Bang	Gunderson	Lessard	Pillsbury	Strand
Barrette	Hanson	Luther	Purfeerst	Stumpf
Benedict	Hughes	Menning	Renneke	Tennessee
Bernhagen	Humphrey	Merriam	Rued	Ueland, A.
Brataas	Johnson	Moe	Setzepfandt	Ulland, J.
Chmielewski	Keefe, J.	Nelson	Sieloff	Vega
Davies	Kirchner	Nichols	Sikorski	Willet
Dieterich	Kleinbaum	Ogdahl	Solon	
Dunn	Knaak	Olhoff	Spear	
Engler	Knoll	Omann	Staples	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1435 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1435 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 3, 1980

CONFERENCE COMMITTEE REPORT ON 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.

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. 1435, 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. 1435 be further amended as follows:

Page 2, after line 7, insert:

"Sec. 2. [REPEALER.] Minnesota Statutes 1978, Sections 144.59, 144.60; 144.61; 144.62; 144.63; 144.64; and 144.65 are repealed."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "abolishing the hospital administrator registration program;"

Page 1, line 5, before the period, insert "; repealing Minnesota Statutes 1978, Sections 144.59 to 144.65"

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

House Conferees: (Signed) Mary M. Forsythe, Robert W. Reif, Paul McCarron

Senate Conferees: (Signed) Delores J. Knaak, Gene Merriam, Jerome Gunderson

Mrs. Knaak moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1435 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 1435: A bill for an act relating to health; exempting out of state physicians from licensing regulations under certain conditions; abolishing the hospital administration registration program; amending Minnesota Statutes 1978, Section 147.09; repealing Minnesota Statutes 1978, Sections 144.59 to 144.65.

Was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Perpich	Stern
Ashbach	Gearty	Lessard	Peterson	Stokowski
Bang	Gunderson	Luther	Pillsbury	Strand
Barrette	Hanson	Menning	Purfeerst	Stumpf
Benedict	Hughes	Merriam	Renneke	Tennessen
Bernhagen	Humphrey	Moe	Rued	Ueland, A.
Brataas	Keefe, J.	Nelson	Setzepfandt	Ulland, J.
Chmielewski	Kirchner	Nichols	Sieloff	Vega
Davies	Kleinbaum	Ogdahl	Sikorski	Wegener
Dieterich	Knaak	Olhoff	Solon	Willet
Dunn	Knoll	Omamn	Spear	
Engler	Knutson	Penny	Staples	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the

recommendation and report of the Conference Committee on House File No. 1662 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1662 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 3, 1980

CONFERENCE COMMITTEE REPORT ON 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.

April 3, 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. 1662, 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. 1662 be amended as follows:

Page 2, lines 14 and 15, delete “, with the exception of the coordinator of this program”

Page 3, line 30, before “clause” insert “subdivision 2,”

Page 4, line 16, delete “or Minnesota” and insert “, the” and delete “as” and insert “, or the highway patrol retirement fund, whichever is”

Page 4, line 18, after “system” insert “or the highway patrol retirement fund”

Page 5, line 2, delete “to” and insert “shall”

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

House Conferees: (Signed) Linda Berglin, Lona A. Minne, Gary W. Laidig

Senate Conferees: (Signed) Emily Anne Staples, Tom A. Nelson, Harmon T. Ogdahl

Mrs. Staples moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1662 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 1662 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Perpich	Stern
Ashbach	Gearty	Lessard	Peterson	Stokowski
Bang	Gunderson	Luther	Pillsbury	Strand
Barrette	Hanson	Menning	Purfeerst	Stumpf
Benedict	Hughes	Merriam	Renneke	Tennessee
Bernhagen	Humphrey	Moe	Rued	Ueland, A.
Brataas	Keefe, J.	Nelson	Setzepfandt	Ulland, J.
Chmielewski	Kirchner	Nichols	Sieloff	Vega
Davies	Kleinbaum	Ogdahl	Sikorski	Wegener
Dieterich	Knaak	Olhoff	Solon	Willet
Dunn	Knoll	Omann	Spear	
Engler	Knutson	Penny	Staples	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2187 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2187 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 7, 1980

CONFERENCE COMMITTEE REPORT ON 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.

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. 2187, 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. 2187 be further amended as follows:

Page 1, line 9, delete "highways" and insert "transportation"

Page 3, after line 19, insert:

"Subd. 5. If the city of Brooklyn Center conveys any land

described in subdivision 2 to any abutting property owner, the conveyance shall be without monetary consideration."

Page 3, delete section 2 and insert:

"Sec. 2. [DEFINITIONS.] Subdivision 1. For the purposes of this act the terms defined in this section have the meanings given them.

Subd. 2. Local Government Information Systems (LOGIS) is that organization of government units organized pursuant to an agreement effective on May 25, 1972, entered into under the provisions of Minnesota Statutes, Section 471.59, for the purpose of providing data processing services to its members.

Subd. 3. "Member" means a government unit which is a party to the agreement specified in subdivision 2. The term does not include "associate members" as that term is defined in article XI of the agreement.

Subd. 4. LOGIS is a municipality within the meaning of Minnesota Statutes, Section 475.51, Subdivision 2. The governing body of LOGIS is its board of directors.

Subd. 5. "Data processing equipment" means computer equipment, related hardware and software, and other items of capital equipment necessary for the efficient and economical provision of data processing services by LOGIS to its members.

Sec. 3. [BONDS; PURPOSES.] LOGIS may issue and sell its bonds or other obligations in the manner prescribed by Minnesota Statutes, Chapter 475 and this act for the acquisition and betterment of data processing equipment.

Sec. 4. [BONDS; TYPES.] Subdivision 1. [GENERAL OBLIGATIONS; REFERENDUM.] LOGIS may by resolution adopted by a unanimous vote of its board of directors and approved by the governing body of each member issue and sell its general obligation bonds for the acquisition and betterment of data processing equipment pursuant to this subdivision. If the principal amount of bonds to be issued exceeds one percent of the assessed valuation of all taxable property in the member having the smallest population, the bonds may not be issued until ten days have elapsed after the publication in a newspaper of general circulation in all members of the resolution authorizing their issuance; and if before that time, a petition asking for an election on the proposition signed by voters of any member equal to ten percent of the number of voters at the last regular municipal election in the member is filed with the clerk of the member, the bonds may not be issued unless the proposition for their issuance has been approved by a majority of the voters of the member at a regular or special election. Before issuing bonds under this subdivision the board of directors shall certify to each member and to the county auditor or auditors the taxes required to be levied for the payment of the bonds by Minnesota Statutes, Section 475.61. The county auditor shall apportion the proportionate share of each member in the taxes to each member based upon the ratio of the assessed

valuation of property in the member to the assessed valuation of all members.

Subd. 2. [GENERAL OBLIGATION REVENUE BONDS.] LOGIS may also by resolution adopted by unanimous vote of its board of directors and approved by the governing body of each member issue and sell its general obligation bonds for the acquisition and betterment of data processing equipment pursuant to this subdivision. The resolution authorizing the issuance of the bonds shall contain a covenant or agreement that the board of directors will establish, maintain, revise when necessary and collect rates and charges from members and others to whom services are provided in the amounts and at the times required to produce net revenues sufficient to pay when due the principal of and interest on the bonds and the board of directors shall covenant and pledge the net revenues to the payment of principal and interest. The required covenants shall be enforceable by appropriate actions by any bondholder or taxpayer of any member in a court of competent jurisdiction. Bonds issued pursuant to this subdivision are deemed payable wholly from the income of a revenue producing convenience within the meaning of Minnesota Statutes, Sections 475.51 and 475.58. In the event a tax levy is made for the payment of principal and interest on bonds issued pursuant to this subdivision the tax shall be levied and apportioned in the manner prescribed by subdivision 1.

Subd. 3. [BONDS; OTHER.] LOGIS may also issue and sell any other obligation authorized by Minnesota Statutes, Chapter 475 for the acquisition and betterment of data processing equipment in the manner prescribed by Minnesota Statutes, Chapter 475.

Sec. 5. [MEMBERS; LEASES; FINANCING.] A member of LOGIS may acquire data processing equipment and may lease the equipment to LOGIS, and LOGIS is authorized to enter into the equipment lease. The rental payments under the lease may be pledged by the member to the payment of principal and interest on obligations issued by the member for the acquisition of the equipment. The governing body of the member issuing obligations under this section may make the pledges and covenants specified in section 4, subdivision 2, and when the covenants and pledges are made the obligations are deemed payable wholly from the income of a revenue producing convenience within the meaning of Minnesota Statutes, Sections 475.51 and 475.58.

Sec. 6. [REVENUE PRODUCING CONVENIENCE.] Data processing equipment acquired by LOGIS or a member is a revenue producing convenience within the meaning of Minnesota Statutes, Chapter 475.

Sec. 7. [OBLIGATIONS; DEBT LIMITS.] Obligations issued pursuant to this act shall not be included in the computation of net debt of LOGIS or of any member.

Sec. 8. [INSTALLMENT PURCHASES.] LOGIS may acquire data processing equipment in the same manner and subject to the

same limitations as a city under Minnesota Statutes, Section 465.71.

Sec. 9. [REFINANCING.] LOGIS or a member may issue and sell obligations authorized by this act to refund the outstanding obligations of the city of Brooklyn Center dated September 1, 1979. Obligations issued pursuant to this section shall be issued in accordance with the provisions of Minnesota Statutes, Section 475.67.

Sec. 10. The city of Brooklyn Center may fix sewer charges on any equitable basis including the age or income of the recipient of the service.

Sec. 11. [EFFECTIVE DATE.] Section 1 is effective the day following final enactment. Sections 2 to 8 are effective upon compliance with Minnesota Statutes, Section 645.021, Subdivision 3 by the board of directors of LOGIS. Section 9 is effective upon compliance with Minnesota Statutes, Section 645.021, Subdivision 3 by the board of directors of LOGIS and the city council of the city of Brooklyn Center. Section 10 is effective upon compliance with Minnesota Statutes, Section 645.021, Subdivision 3 by the city council of the city of Brooklyn Center."

Amend the title as follows:

Page 1, line 2, delete "state lands" and insert "local government"

Page 1, line 4, before the period, insert "; permitting the acquisition and financing of data processing equipment by Local Government Information Systems and its members; providing for sewer charges by the city of Brooklyn Center on an equitable basis"

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

House Conferees: (Signed) Robert L. Ellingson, Lyndon R. Carlson, Elliott C. Rothenberg

Senate Conferees: (Signed) William P. Luther, Irving M. Stern, John B. Keefe

Mr. Luther moved that the foregoing recommendations and Conference Committee Report on H. F. No. 2187 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 2187: A bill for an act relating to local government: authorizing conveyance of certain parcels of land in the city of Brooklyn Center; permitting the acquisition and financing of data processing equipment by Local Government Information Systems and its members; providing for sewer charges by the city of Brooklyn Center on an equitable basis.

Was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 42 and nays 15, as follows:

Those who voted in the affirmative were:

Barrette	Gunderson	Menning	Purfeerst	Stumpf
Benedict	Hughes	Merriam	Schaaf	Tennessen
Bernhagen	Humphrey	Moe	Sieloff	Ulland, J.
Chmielewski	Keefe, J.	Nelson	Sikorski	Vega
Davies	Kleinbaum	Nichols	Solon	Wegener
Dieterich	Knaak	Olson	Spear	Willet
Engler	Laufenburger	Penny	Staples	
Frederick	Lessard	Perpich	Stern	
Gearty	Luther	Peterson	Stokowski	

Those who voted in the negative were:

Anderson	Brataas	Knutson	Pillsbury	Setzepfandt
Ashbach	Dunn	Ogdahl	Renneke	Strand
Bang	Kirchner	Olhoft	Rued	Ueland, A.

So, the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1201 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1201 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 8, 1980

CONFERENCE COMMITTEE REPORT ON 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.

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. 1201, 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. 1201 be further amended as follows:

Page 3, line 5, delete "\$7.50" and insert "\$7"

Page 3, line 7, delete "\$10" and insert "\$12"

Page 7, line 8, delete "No rule"

Page 7, delete lines 9 and 10

Page 8, line 19, strike the second "such" and insert "the"

Page 8, line 23, strike "refuse such" and insert "refuses the"

Page 8, line 24, strike "such" and insert "the"

Page 10, line 5, after "patrol," insert "removal of hazards to navigation,"

Page 10, lines 20 and 21, delete the new language

Page 11, line 3, delete everything after "Subd. 3."

Page 11, delete lines 4 and 5.

Page 11, line 6, delete "watercraft safety,"

Page 11, line 6, after "require" delete "the" and insert "a"

Page 11, line 8, delete everything after "adequately"

Page 11, line 9, delete "enforce watercraft safety" and insert "carry out the provisions of chapter 361"

Page 11, line 9, after "county" delete "board"

Page 11, line 10, delete "an adequate" and insert "a"

Page 11, line 10, after "budget" insert "or fails to carry out the proposed activities after submitting a budget"

Page 13, delete lines 8 to 24

Page 13, line 28, delete everything after "1981" and insert a period

Page 13, delete line 29

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete everything after the semicolon

Page 1, line 6, delete everything before "altering"

Page 1, line 7, delete "and motor noise limits"

Page 1, line 9, delete "appropriating money;"

Page 1, line 16, after "361.24;" insert "and"

Page 1, line 17, delete everything after the first semicolon

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

House Conferees: (Signed) Douglas W. Carlson, Phyllis L. Kahn, Willard M. Munger

Senate Conferees: (Signed) Robert G. Dunn, Jim Nichols, Collin C. Peterson

Mr. Dunn moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1201 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

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; altering certain safety requirements; providing an outline for distributing water safety enforcement funds; 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; and 361.27, Subdivision 1; repealing Minnesota Statutes 1978, Section 361.15, Subdivision 2.

Was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 50 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knutson	Olson	Staples
Ashbach	Frederick	Laufenburger	Omann	Stern
Bang	Gearty	Lessard	Penny	Stokowski
Benedict	Gunderson	Luther	Pillsbury	Strand
Bernhagen	Hughes	Menning	Rued	Stumpf
Brataas	Humphrey	Merriam	Schaaf	Tennessee
Chmielewski	Keefe, J.	Moe	Sieloff	Ulland, J.
Davies	Kirchner	Nichols	Sikorski	Vega
Dieterich	Kleinbaum	Ogdahl	Solon	Wegener
Dunn	Knoll	Olhoft	Spear	Willet

Messrs. Barrette, Perpich and Setzepfandt voted in the negative.

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1896 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1896 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 7, 1980

CONFERENCE COMMITTEE REPORTS ON H. F. NO. 1896

A bill for an act relating to juveniles; establishing criteria for reference of certain juveniles for prosecution; requiring written findings and conclusions after reference hearings; providing monitoring by the crime control planning board; amending Minnesota Statutes 1978, Section 260.125, by adding subdivisions.

April 3, 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. 1896, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 1896 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 241.021, Subdivision 1, is amended to read:

241.021 [LICENSING AND SUPERVISION OF INSTITUTIONS AND FACILITIES.] Subdivision 1. [SUPERVISION OVER CORRECTIONAL INSTITUTIONS; ADVISORY TASK FORCES.] (1) The commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. He shall promulgate pursuant to chapter 15, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment and discipline of persons detained or confined therein. Commencing September 1, 1980, no individual, corporation, partnership, voluntary association or other private organization legally responsible

for the operation of a correctional facility may operate the facility unless licensed by the commissioner of corrections. The commissioner may provide by rule for provisional licenses which authorize the operation of a correctional facility on a temporary basis where the operator is temporarily unable to comply with all of the requirements for a license. Notwithstanding the provisions of sections 15.0412 and 15.0413, rules setting standards for group homes established under the direction of the juvenile courts shall not take effect until September 1, 1979. The commissioner shall have access to the buildings, grounds, books, records, staff and to persons detained or confined in these facilities. He may require the officers in charge of these facilities to furnish all information and statistics he deems necessary, upon forms furnished by him. *Rules promulgated hereunder establishing the maximum number of children permitted to reside in group homes shall require that children in the group foster parents' natural family be counted in the number of children actually residing in the group home, and the application of the rules providing the maximum number and manner of counting residents shall not be waived.*

(2) Any state agency which regulates, inspects, or licenses certain aspects of correctional facilities shall, insofar as is possible, ensure that the minimum standards it requires are substantially the same as those required by other state agencies which regulate, inspect, or license the same aspects of similar types of correctional facilities, although at different correctional facilities.

(3) Nothing in this section shall be construed to limit the commissioner of corrections' authority to promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16, or to require counties to comply with operating standards the commissioner establishes as a condition precedent for counties to receive that funding.

(4) When the commissioner finds that any facility described in clause (1) of this subdivision, except foster care facilities for delinquent children and youth as provided in subdivision 2, does not conform to the minimum standards established by law or by the commissioner, he shall promptly notify the chief executive officer and the governing board of the facility of the deficiencies and order that they be remedied within a reasonable period of time. The commissioner may by written order restrict the use of any facility which does not substantially conform to minimum standards to prohibit the detention of any person therein for more than 72 hours at one time. When, after due notice and hearing, the commissioner finds that any facility described in this subdivision, except county jails and lockups as provided in sections 641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making satisfactory progress toward substantial compliance therewith, he may issue his order revoking the license of that facility. After revocation of its license, that facility shall not be used until its license is renewed. When the commissioner is satisfied that satisfactory progress towards substantial compliance with minimum standard is being made, he may, at the request of the appropriate officials of the affected facility supported by a

written schedule for compliance, grant an extension of time for a period not to exceed one year.

(5) As used in this subdivision, "correctional facility" means any facility, including a group home, having a residential component, the primary purpose of which is to serve persons placed therein by a court, court services department, parole authority, or other correctional agency having dispositional power over persons charged with, convicted or adjudicated to be guilty or delinquent.

Sec. 2. Minnesota Statutes 1978, Section 257.071, is amended to read:

257.071 [CHILDREN IN FOSTER HOMES; PLACEMENT; REVIEW.] Subdivision 1. [PLACEMENT; PLAN.] A case plan shall be prepared within 30 days after any child is placed in a *foster home residential facility* by court order or by the voluntary release of the child by his parent or parents. By July 1, 1979, a case plan shall be prepared for each child who was residing in a *foster home* on July 1, 1978 and who has not been returned to the home of his parent or parents.

For purposes of this section, a residential facility means any group home, family foster home or other publicly supported out-of-home residential facility, including any out-of-home residential facility under contract with the state, county or other political subdivision, or any agency thereof, to provide those services.

For the purposes of this section, a case plan means a written document which is ordered by the court or which is prepared by the social service agency responsible for the *foster home residential facility* placement and is signed by the parent or parents, or other custodian, of the child, the child's legal guardian, the social service agency responsible for the *foster home residential facility* placement, and, if possible, the child. The document shall be explained to all persons involved in its implementation, including the child who has signed the document, and shall set forth:

(1) The specific reasons for the placement of the child in a *foster home residential facility*, including a description of the problems or conditions in the home of the parent or parents which necessitated removal of the child from his home;

(2) The specific actions to be taken by the parent or parents of the child to eliminate or correct the problems or conditions identified in clause (1), and the time period during which the actions are to be taken;

(3) The financial responsibilities and obligations, if any, of the parents for the support of the child during the period the child is in the *foster home residential facility*;

(4) The visitation rights and obligations of the parent or parents during the period the child is in the *foster home residential facility*;

(5) The social and other supportive services to be provided to the parent or parents of the child, the child, and the *foster parents*

residential facility during the period the child is in the ~~foster home residential facility~~;

(6) The date on which the child is expected to be returned to the home of his parent or parents;

(7) The nature of the effort to be made by the social service agency responsible for the placement to reunite the family; and

(8) Notice to the parent or parents that placement of the child in foster care may result in termination of parental rights but only after notice and a hearing as provided in chapter 260.

The parent or parents and the child *each* shall have the right to legal counsel in the preparation of the case plan *and shall be informed of the right at the time of placement of the child. The child shall also have the right to a guardian ad litem.* If unable to employ counsel from their own resources, the court shall appoint counsel upon the request of the parent or parents or the child or his legal guardian. The parent or parents may also receive assistance from any person or social service agency in preparation of the case plan.

After the plan has been agreed upon by the parties involved, the foster parents shall be fully informed of the provisions of the case plan.

Subd. 2. [SIX MONTH REVIEW OF VOLUNTARY PLACEMENTS.] If the child has been placed in a ~~foster home residential facility~~ pursuant to a voluntary release by his parent or parents, the case plan shall be reviewed by the persons involved in its preparation 180 days after the initial placement of the child in a ~~foster home residential facility~~ if the child is not returned to the home of his parent or parents within that time.

Subd. 3. [REVIEW OF VOLUNTARY PLACEMENTS.] If the child has been placed in a ~~foster home residential facility~~ pursuant to a voluntary release by his parent or parents, and is not returned to his home within 18 months after his initial placement in the ~~foster home residential facility~~, the social service agency responsible for the placement shall:

(a) Return the child to the home of his parent or parents; or

(b) File an appropriate petition pursuant to sections 260.131 or 260.231.

Sec. 3. Minnesota Statutes 1978, Section 260.011, Subdivision 2, is amended to read:

Subd. 2. The purpose of the laws relating to juvenile courts is to secure for each ~~minor child alleged or adjudicated neglected or dependent~~ and under the jurisdiction of the court, the care and guidance, preferably in his own home, as will serve the spiritual, emotional, mental, and physical welfare of the ~~minor child~~ and the best interests of the state; to preserve and strengthen the ~~minor's child's~~ family ties whenever possible, removing him from the custody of his parents only when his welfare or safety and ~~protection of the public~~ cannot be adequately safeguarded without re-

moval; and, when the ~~minor~~ child is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents.

The purpose of the laws relating to children alleged or adjudicated to be delinquent is to promote the public safety and reduce juvenile delinquency by maintaining the integrity of the substantive law prohibiting certain behavior and by developing individual responsibility for lawful behavior. This purpose should be pursued through means that are fair and just, that recognize the unique characteristics and needs of children, and that give children access to opportunities for personal and social growth.

The laws relating to juvenile courts shall be liberally construed to carry out these purposes.

Sec. 4. Minnesota Statutes 1978, Section 260.111, Subdivision 1, is amended to read:

260.111 [JURISDICTION.] Subdivision 1. [CHILDREN WHO ARE DELINQUENT, NEGLECTED, DEPENDENT OR NEGLECTED AND IN FOSTER CARE.] Except as provided in ~~section~~ sections 260.125 and 260.193, the juvenile court has original and exclusive jurisdiction in proceedings concerning any child who is alleged to be delinquent, a juvenile traffic offender, neglected, neglected and in foster care, or dependent, and in proceedings concerning any minor alleged to have been a delinquent or a juvenile traffic offender prior to having become eighteen years of age. The juvenile court shall deal with such a minor as it deals with any other child who is alleged to be delinquent or a juvenile traffic offender.

Sec. 5. Minnesota Statutes 1978, Section 260.115, Subdivision 1, is amended to read:

260.115 [TRANSFERS FROM OTHER COURTS.] Subdivision 1. Except where a juvenile court has referred an alleged violation to a prosecuting authority in accordance with the provisions of section 260.125 or to a court in accordance with the provisions of ~~section 260.193~~ has original jurisdiction of a child who has committed a minor traffic offense, as defined in section 260.193, subdivision 1, clause (c), a court other than a juvenile court shall immediately transfer to the juvenile court of the county the case of a minor who appears before the court on a charge of violating any state or local law or ordinance and who is under 18 years of age or who was under 18 years of age at the time of the commission of the alleged offense.

Sec. 6. Minnesota Statutes 1978, Section 260.121, subdivision 3, is amended to read:

Subd. 3. *Except when a child is alleged to have committed a minor traffic offense, as defined in section 260.193, subdivision 1, clause (c), if it appears at any stage of the proceeding that a child before the court is a resident of another state, the court may invoke the provisions of the interstate compact on juveniles or, if it is in the best interests of the child or the public to do so, the court may place the child in the custody of his parent, guardian, or*

custodian, if the parent, guardian, or custodian agree to accept custody of the child and return him to their state.

Sec. 7. Minnesota Statutes 1978, Section 260.125, is amended to read:

260.125 [REFERENCE FOR PROSECUTION.] Subdivision 1. When a child is alleged to have violated a state or local law or ordinance after becoming 14 years of age the juvenile court may enter an order referring the alleged violation to the appropriate prosecuting authority for action under laws in force governing the commission of and punishment for violations of statutes or local laws or ordinances. The prosecuting authority to whom ~~such the~~ matter is referred shall within the time specified in ~~such the~~ order of reference, which time shall not exceed 90 days, file with the court making ~~such the~~ order of reference notice of intent to prosecute or not to prosecute. If ~~such the~~ prosecuting authority files notice of intent not to prosecute or fails to act within the time specified, the court shall proceed as if no order of reference had been made. If such prosecuting authority files with the court notice of intent to prosecute the jurisdiction of the juvenile court in the matter is terminated.

Subd. 2. The juvenile court may order a reference only if :

(a) A petition has been filed in accordance with the provisions of section 260.131;

(b) Notice has been given in accordance with the provisions of sections 260.135 and 260.141;

(c) A hearing has been held in accordance with the provisions of section 260.155, *within 30 days of the filing of the reference motion, unless good cause is shown by the prosecution or the child as to why the hearing should not be held within this period*; and

(d) The court finds that

(1) *there is probable cause, as defined by the rules of criminal procedure promulgated pursuant to section 480.059, to believe the child committed the offense alleged by delinquency petition and*

(2) *the prosecuting authority has demonstrated by clear and convincing evidence that the child is not suitable to treatment or that the public safety is not served under the provisions of laws relating to juvenile courts.*

Subd. 3. *A prima facie case that the public safety is not served or that the child is not suitable for treatment shall have been established if the child was at least 16 years of age at the time of the alleged offense and:*

(1) *Is alleged by delinquency petition to have committed an aggravated felony against the person and (a) in committing the offense, the child acted with particular cruelty or disregard for the life or safety of another; or (b) the offense involved a high degree of sophistication or planning by the juvenile; or*

(2) *Is alleged by delinquency petition to have committed murder in the first degree; or*

(3) *Has been adjudicated delinquent for an offense committed within the preceding 24 months, which offense would be a felony if committed by an adult, and is alleged by delinquency petition to have committed murder in the second or third degree, manslaughter in the first degree, criminal sexual conduct in the first degree or assault in the first degree; or*

(4) *Has been adjudicated delinquent for two offenses, not in the same behavioral incident, which offense were committed within the preceding 24 months and which would be felonies if committed by an adult, and is alleged by delinquency petition to have committed manslaughter in the second degree, kidnapping, criminal sexual conduct in the second degree, arson in the first degree, aggravated robbery, or assault in the second degree; or*

(5) *Has been previously adjudicated delinquent for three offenses, none of which offenses were committed in the same behavioral incident, which offenses were committed within the preceding 24 months and which offenses would be felonies if committed by an adult, and is alleged by delinquency petition to have committed any felony other than those described in clauses (2), (3) or (4).*

For the purposes of this subdivision, "aggravated felony against the person" means a violation of any of the following provisions: sections 609.185; 609.19; 609.195; 609.20, subdivisions 1 or 2; 609.221; 609.222; 609.223; 609.245; 609.25; 609.342; 609.343; 609.344, clauses (c) or (d); 609.345, clauses (c) or (d); 609.561; 609.58, subdivision 2, clause (b); or 609.713.

Subd. 3 4. When the juvenile court enters an order referring an alleged violation to a prosecuting authority, the prosecuting authority shall proceed with the case as if the jurisdiction of the juvenile court had never attached.

Subd. 5. *If the juvenile court orders a reference for prosecution, the order shall contain in writing, findings of fact and conclusions of law as to why the child is not suitable to treatment or the public safety is not served under the provisions of laws relating to the juvenile courts. If the juvenile court, after a hearing conducted pursuant to subdivision 2, decides not to order a reference for prosecution, the decision shall contain, in writing, findings of fact and conclusions of law as to why a reference for prosecution is not ordered.*

Subd. 6. *The crime control planning board created pursuant to section 299A.03, shall monitor and evaluate the effect of this section 7 and shall submit a report to the legislature on or before January 1, 1982. The report shall, at the minimum, compare the number of references ordered and the characteristics of juveniles referred for prosecution pursuant to section 260.125 prior to and subsequent to the effective date of this act.*

Sec. 8. Minnesota Statutes 1978, Section 260.135, Subdivision 1, is amended to read:

260.135 [SUMMONS; NOTICE.] Subdivision 1. After a petition has been filed and unless the parties hereinafter named voluntarily

appear, the court shall set a time for a hearing and shall issue a summons requiring the person who has custody or control of the ~~minor child~~ to appear with the ~~minor child~~ before the court at a time and place stated. The summons shall ~~recite briefly the substance of the petition or shall be attached to have a copy of the petition attached,~~ and shall advise the parties of the right to counsel and of the consequences of failure to obey the summons.

Sec. 9. Minnesota Statutes 1978, Section 260.135, Subdivision 2, is amended to read:

Subd 2. The court shall have notice of the pendency of the case and of the time and place of the hearing served upon the ~~parents a parent, guardians guardian, or spouse of a legitimate minor or the mother, guardian, or spouse of an illegitimate minor the child,~~ if they are not who has not been summoned as provided in subdivision 1.

Sec. 10. Minnesota Statutes 1978, Section 260.135, Subdivision 5, is amended to read:

Subd. 5. If it appears from the *notarized* petition or by ~~separate sworn affidavit of a person having knowledge of the fact that the minor is in such condition or surroundings that his that there are reasonable grounds to believe the child is in surroundings or conditions which endanger the child's health, safety or welfare requires and require~~ that his custody be immediately assumed by the court, the court may order, by endorsement upon the summons, that the officer serving the summons shall take the ~~minor child~~ into immediate custody at once.

Sec. 11. Minnesota Statutes 1978, Section 260.141, Subdivision 1, is amended to read:

260.141 [SERVICE OF SUMMONS, NOTICE.] Subdivision 1. (a) Service of summons or notice required by section 260.135 shall be made *upon the following persons* in the same manner in which personal service of summons in civil actions is made:

(1) *in all delinquency matters, upon the person having custody or control of the child and upon the child; and*

(2) *in all other matters, upon the person having custody or control of the child, and upon the child if he is more than 12 years of age.*

Personal service shall be effected at least 24 hours before the time of the hearing; however, it shall be sufficient to confer jurisdiction if service is made at any time before the day fixed in the summons or notice for the hearing, except that the court, if so requested, shall not proceed with the hearing earlier than the second day after the service. If personal service cannot well be made within the state, a copy of the summons or notice may be served on the person to whom it is directed by delivering a copy thereof to such person personally outside the state. Such service if made personally outside the state shall be sufficient to confer jurisdiction; providing however it be made at least five days before the date fixed for hearing in such summons or notice.

(b) If the court is satisfied that personal service of the summons or notice cannot well be made, it shall make an order providing for the service of summons or notice by certified mail addressed to the last known addresses of such persons, and by one weeks published notice as provided in section 645.11. A copy of the notice shall be sent by certified mail at least five days before the time of the hearing or 14 days if mailed to addresses outside the state.

(c) Notification to the county welfare board required by section 260.135, subdivision 3, shall be in such manner as the court may direct.

Sec. 12. Minnesota Statutes 1978, Section 260.155, Subdivision 1, is amended to read:

260.155 [HEARING.] Subdivision 1. [GENERAL.] Except for hearings arising under section 260.261, hearings on any matter shall be without a jury and may be conducted in an informal manner. *The rules of evidence promulgated pursuant to section 480.0591 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged to be delinquent and hearings conducted pursuant to section 260.125 except to the extent that the rules themselves provide that they do not apply.* Hearings may be continued or adjourned from time to time and, in the interim, the court may make such orders as it deems in the best interests of the minor in accordance with the provisions of sections 260.011 to 260.301. The court shall exclude the general public from these hearings and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or in the work of the court. *In all delinquency cases a person named in the charging clause of the petition as a person directly damaged in person or property shall be entitled, upon request, to be notified by the clerk of court in writing, at his last known address, of (1) the date of the reference or adjudicatory hearings, and (2) the disposition of the case.* Adoption hearings shall be conducted in accordance with the provisions of laws relating to adoptions.

Sec. 13. Minnesota Statutes 1978, Section 260.155, Subdivision 2, is amended to read:

Subd. 2. [APPOINTMENT OF COUNSEL.] The minor, parent, guardian or custodian have the right to *effective assistance of counsel*. If they desire counsel but are unable to employ it, the court shall appoint counsel to represent the minor or his parents or guardian in any other case in which it feels that such an appointment is desirable.

Sec. 14. Minnesota Statutes 1978, Section 260.155, Subdivision 4, is amended to read:

Subd. 4. [GUARDIAN AD LITEM.] (a) The court shall appoint a guardian ad litem to protect the interests of the minor when it appears, at any stage of the proceedings, that the minor is without a parent or guardian, or that his parent is a minor or incompetent, or that his parent or guardian is indifferent or hostile

to the minor's interests, and in every proceeding alleging neglect or dependency. In any other case the court may appoint a guardian ad litem to protect the interests of the minor when the court feels that such an appointment is desirable. The court shall appoint the guardian ad litem on its own motion or in the manner provided for the appointment of a guardian ad litem in the district court.

(b) The court may waive the appointment of a guardian ad litem pursuant to clause (a), whenever counsel has been appointed pursuant to subdivision 2 or is retained otherwise, and the court is satisfied that the interests of the minor are protected.

(c) In appointing a guardian ad litem pursuant to clause (a), if the court finds that it is not in the best interests of the child, the court shall not appoint the party, or any agent or employee thereof, filing a petition pursuant to section 260.131.

Sec. 15. Minnesota Statutes 1978, Section 260.155, is amended by adding a subdivision to read:

Subd. 8 [WAIVER.] Waiver of any right which a child has under this chapter must be an express waiver intelligently made by the child after the child has been fully and effectively informed of the right being waived. If a child is under 12 years of age, the child's parent, guardian or custodian shall give any waiver or offer any objection contemplated by this chapter.

Sec. 16. Minnesota Statutes 1978, Section 260.161, Subdivision 1, is amended to read:

260.161 [RECORDS.] Subdivision 1. The juvenile court judge shall keep such minutes and in such manner as he deems necessary and proper. *The court shall keep and maintain records pertaining to delinquent adjudications until the person reaches the age of 23 years and shall release the records on an individual to a requesting adult court for purposes of sentencing. The juvenile court shall provide, upon the request of any other juvenile court, copies of the records concerning adjudications involving the particular child.* The court shall also keep an index in which files pertaining to juvenile matters shall be indexed under the name of the juvenile. After the name of each file shall be shown the file number and, if ordered by the court, the book and page of the register in which the documents pertaining to such file are listed. The court shall also keep a register properly indexed in which shall be listed under the name of the juvenile all documents filed pertaining thereto and in the order filed. ~~Such~~ *The list shall show the name of the document and the date of filing thereof.* The juvenile court legal records shall be deposited in files and shall include the petition, summons, notice, findings, orders, decrees, judgments, and motions and such other matters as the court deems necessary and proper. The legal records maintained in this file shall be open at all reasonable times to the inspection of any minor to whom the records relate, and to his parent and guardian.

Sec. 17. Minnesota Statutes 1978, Section 260.185, Subdivision 1, is amended to read:

260.185 [DISPOSITIONS; DELINQUENT CHILD.] Subdivision 1. If the court finds that the child is delinquent, it shall enter an order making any of the following dispositions of the case which are deemed necessary to the rehabilitation of the child:

(a) Counsel the child or his parents, guardian, or custodian;

(b) Place the child under the supervision of a probation officer or other suitable person in his own home under conditions prescribed by the court including reasonable rules for his conduct and the conduct of his parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child, or with the consent of the commissioner of corrections, in a group foster care facility which is under the management and supervision of said commissioner;

(c) Subject to the supervision of the court, transfer legal custody of the child to one of the following:

(1) A child placing agency; or

(2) The county welfare board; or

(3) A reputable individual of good moral character. No person may receive custody of two or more unrelated children unless he is licensed as a residential facility pursuant to sections 245.781 to 245.813; or

(4) Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d), a county home school, if the county maintains a home school or enters into an agreement with a county home school; or

(5) A county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(d) Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d), transfer legal custody by commitment to the commissioner of corrections;

(e) If the child is found to have violated a state or local law or ordinance which has resulted in damage to the property of another, the court may order the child to make reasonable restitution for such damage;

(f) Require the child to pay a fine of up to \$500; the court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child;

~~(f)~~ (g) If the child is in need of special treatment and care for his physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided;

~~(g)~~ (h) If the court believes that it is in the best interests of the child and of public safety that the driver's license of the child be

cancelled until his eighteenth birthday, the court may recommend to the commissioner of transportation the cancellation of the child's license for any period up to the child's eighteenth birthday, and the commissioner is hereby authorized to cancel such license without a hearing. At any time before the termination of the period or cancellation, the court may, for good cause, recommend to the commissioner of transportation that the child be authorized to apply for a new license, and the commissioner may so authorize.

Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) Why the best interests of the child are served by the disposition ordered; and

(b) What alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case.

This subdivision applies to dispositions of juveniles found to be delinquent as defined in section 260.015, subdivision 5, clause (c) or (d) made prior to, on, or after January 1, 1978.

Sec. 18. Minnesota Statutes 1978, Section 260.193, is amended to read:

260.193 [JUVENILE TRAFFIC OFFENDER; PROCEDURES; DISPOSITIONS.] Subdivision 1. *(a) For purposes of this section, the following terms have the meanings given them.*

(b) "Major traffic offense" includes any violation of a state or local traffic law, ordinance, or regulation, or a federal, state, or local water traffic law not included within the provisions of clause (c).

(c) "Minor traffic offense" means a violation of a state or local traffic law, ordinance, or regulation, or a federal, state, or local water traffic law constituting an offense punishable only by fine of not more than \$100.

Subd. 2. A child who violates a state or local traffic law, ordinance, or regulation, or who violates a federal, state, or local water traffic law commits a major traffic offense shall be adjudicated a "juvenile highway traffic offender" or a "juvenile water traffic offender," as the case may be, and shall not be adjudicated delinquent, unless, as in the case of any other child alleged to be delinquent, a petition is filed in the manner provided in section 260.131, summons issued, notice given, a hearing held, and the court finds as a further fact that the child is also delinquent within the meaning and purpose of the laws relating to juvenile courts.

Subd. 3. Except as provided in subdivision 4, a child who commits a minor traffic offense and at the time of the offense was at least 16 years old shall be subject to the laws and court procedures controlling adult traffic violators and shall not be under the jurisdiction of the juvenile court. When a child is alleged to have committed a minor traffic offense and is at least 16 years old at

the time of the offense, the peace officer making the charge shall follow the arrest procedures prescribed in section 169.91 and shall make reasonable effort to notify the child's parent or guardian of the nature of the charge.

Subd. 4. The juvenile court shall have original jurisdiction if the child is alleged to have committed both major and minor traffic offenses in the same behavioral incident.

Subd. 2 5. When a child is alleged to have violated any state or local traffic law, ordinance, or regulation committed a major traffic offense, the peace officer making the charge shall file a signed copy of the notice to appear, as provided in section 169.91, with the juvenile court of the county in which the violation occurred, and the notice to appear has the effect of a petition and gives the juvenile court jurisdiction. Filing with the court of a notice to appear containing the name and address of the child allegedly violating a federal, state, or local water traffic law committing a major traffic offense and specifying the offense charged, the time and place of the alleged violation shall have the effect of a petition and give the juvenile court jurisdiction. Any reputable person having knowledge of a child who violates a state or local traffic law, ordinance, or regulation or a federal, state, or local water traffic law, ordinance, or regulation commits a major traffic offense may petition the juvenile court in the manner provided in section 260.131. Whenever a notice to appear or petition is filed alleging that a child is a juvenile highway traffic offender or a juvenile water traffic offender, the court shall summon and notify the persons required to be summoned or notified as provided in sections 260.135 and 260.141. However, it is not necessary to (1) notify more than one parent, or (2) publish any notice, or (3) personally serve outside the state.

Subd. 3 6. Before making a disposition of any child found to be a juvenile highway major traffic offender, the court shall obtain from the department of transportation information of any previous traffic violation by this juvenile. In the case of a juvenile water traffic offender, he shall obtain from the office where such the information is now or hereafter may be kept information of any previous water traffic violation by such the juvenile.

Subd. 4 7. If after a hearing the court finds that the welfare of a juvenile highway major traffic offender or a juvenile water traffic offender or the public safety would be better served under the laws controlling adult traffic violators, the court may transfer the case to any court of competent jurisdiction presided over by a salaried judge if there is one in the county. The juvenile court transfers the case by forwarding to the appropriate court the documents in the court's file together with an order to transfer. The court to which the case is transferred shall proceed with the case as if the jurisdiction of the juvenile court had never attached.

Subd. 5 8. If the juvenile court finds that the child is a juvenile major highway or water traffic offender, it may make any one or more of the following dispositions of the case:

(a) Reprimand the child and counsel with the child and his parents;

(b) Continue the case for a reasonable period under such conditions governing the child's use and operation of any motor vehicles or boat as the court may set;

(c) Require the child to attend a driver improvement school if one is available within the county;

(d) Recommend to the department of public safety suspension of the child's driver's license as provided in section 171.16;

(e) If the child is found to have committed two moving highway traffic violations or to have contributed to a highway accident involving death, injury, or physical damage in excess of \$100, the court may recommend to the commissioner of public safety or to the licensing authority of another state the cancellation of the child's license until he reaches the age of 18 years, and the commissioner of public safety is hereby authorized to cancel the license without hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety, or to the licensing authority of another state, that the child's license be returned to him, and the commissioner of public safety is authorized to return the license;

(f) Place the child under the supervision of a probation officer in his own home under conditions prescribed by the court including reasonable rules relating to his operation and use of motor vehicles or boats directed to the correction of his driving habits;

(g) Require the child to pay a fine of up to \$500. The court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child.

Subd. 6 9. The juvenile court shall report the disposition of all juvenile highway traffic cases to the commissioner of public safety, as provided in section 171.16, on the standard form provided by the department of public safety under section 169.95.

Subd. 7 10. The juvenile court records of juvenile highway traffic offenders and juvenile water traffic offenders shall be kept separate from delinquency matters.

Sec. 19. Minnesota Statutes 1978, Section 260.211, Subdivision 1, is amended to read:

260.211 [EFFECT OF JUVENILE COURT PROCEEDINGS.]

Subdivision 1. No adjudication upon the status of any child in the jurisdiction of the juvenile court shall operate to impose any of the civil disabilities imposed by conviction, nor shall any child be deemed a criminal by reason of this adjudication, nor shall this adjudication be deemed a conviction of crime. The disposition of the child or any evidence given by the child in the juvenile court shall not be admissible as evidence against him in any case or

proceeding in any other court, except that an adjudication may later be used to determine a proper sentence, nor shall the disposition or evidence disqualify him in any future civil service examination, appointment, or application.

Sec. 20. Minnesota Statutes 1978, Chapter 480, is amended by adding a section to read:

[480.0595] [JUVENILE COURT RULES.] *The supreme court shall promulgate rules to regulate the pleadings, practice, procedure and the forms thereof in juvenile proceedings in all juvenile courts of the state in accordance with the provisions of section 480.059, except with respect to the composition of the advisory committee. The rules shall be published and distributed to the judiciary and attorneys of the state on or before September 1, 1981.*

Sec. 21. Minnesota Statutes 1978, Section 484.70, is amended by adding a subdivision to read:

Subd. 5. No referee sitting in juvenile court in the second and fourth judicial districts may hear any motion involving a contested case or preside at any hearing or final trial involving a contested case if either party or his attorney objects in writing to the assignment of a referee to hear the matter. The court shall, by rule, specify the time within which the objections must be filed. If written objections are not filed consistent with the court's rules, the parties and their attorneys are deemed to have conferred full judicial powers to the referee.

Sec. 22. Minnesota Statutes 1978, Section 540.18, Subdivision 1, is amended to read:

540.18 [DAMAGE BY MINOR; RESPONSIBILITY OF PARENT, GUARDIAN, AND MINOR.] Subdivision 1. The parent or guardian of the person of a minor who is under the age of 18 and who is living with the parent or guardian and who willfully or maliciously causes injury to any person or damage to any property is jointly and severally liable with such minor for such injury or damage to an amount not exceeding \$100 \$500, if such minor would have been liable for such injury or damage if he had been an adult. Nothing in this subdivision shall be construed to relieve such minor from personal liability for such injury or damage. The liability provided in this subdivision is in addition to and not in lieu of any other liability which may exist at law. Recovery under this section shall be limited to special damages.

Sec. 23. [EFFECTIVE DATE.] *Section 21 is effective the day following final enactment and expires July 31, 1981. The remainder of the sections are effective August 1, 1980 and apply to offenses committed on or after that date except with respect to the history of offenses provided for in section 7."*

Delete the title and insert:

"A bill for an act relating to juveniles and corrections; modifying dispositions available to juvenile court judges; increasing civil

liability of parents for intentional acts of their children; modifying statutory provisions relating to records of adjudications of delinquency; making the rules of evidence applicable in certain juvenile proceedings; modifying procedures in juvenile court; providing for informed consent by juveniles to waiver of rights; providing for the promulgation of statewide juvenile court rules; modifying the jurisdiction of the juvenile courts; modifying the provisions for reference of juveniles for adult prosecution; expanding the coverage of the provisions requiring preparation of a case plan for children placed in foster care; providing for maximum capacities for group homes; authorizing juvenile court referees in the second and fourth judicial districts to hear contested trials, hearings, or motions unless objection is made; amending Minnesota Statutes 1978, Sections 241.021, Subdivision 1; 257.071; 260.011, Subdivision 2; 260.111, Subdivision 1; 260.115, Subdivision 1; 260.121, Subdivision 3; 260.125; 260.135, Subdivisions 1, 2, and 5; 260.141, Subdivision 1; 260.155, Subdivisions 1, 2, 4 and by adding a subdivision; 260.161, Subdivision 1; 260.185, Subdivision 1; 260.193; 260.211, Subdivision 1; 484.70, by adding a subdivision; 540.18, Subdivision 1; and Chapter 480, by adding a section."

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

House Conferees: (Signed) Randy C. Kelly, Robert E. Vanasek, William A. Crandall, Steven G. Novak, David M. Jennings

Senate Conferees: (Signed) Gerry Sikorski, Bill McCutcheon, William P. Luther, John B. Keefe, Jack Davies

Mr. Sikorski moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1896 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 1896 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 52 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Luther	Pillsbury	Stokowski
Bang	Gearty	Menning	Purfeerst	Strand
Barrette	Gunderson	Merriam	Rued	Stumpf
Benedict	Hughes	Nelson	Schaaf	Tennessen
Bernhagen	Humphrey	Nichols	Setzepfandt	Ueland, A.
Brataas	Keefe, J.	Ogdahl	Sieloff	Ulland, J.
Chmielewski	Kirchner	Olhoft	Sikorski	Vega
Davies	Knaak	Olson	Solon	Wegener
Dieterich	Knoll	Omann	Spear	
Dunn	Laufenburger	Penny	Staples	
Engler	Lessard	Perpich	Stern	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1847 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1847 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 8, 1980

CONFERENCE COMMITTEE REPORT ON 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.

April 3, 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. 1847, 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. 1847 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. The commissioner of public welfare shall undertake a study to further develop, analyze, and evaluate suggested revisions to the current rate reimbursement system established pursuant to Minnesota Statutes, Sections 256B.41 to 256B.48. In the study, the commissioner shall analyze the fiscal impact of the suggested rate reimbursement formula on nursing homes in the state and on the medical assistance program budget. The study shall also analyze the revisions of the current system to determine if they are designed to improve the system's equitable treatment of nursing homes, control costs and cost increases, reduce administrative complexity, provide capability for better biennial budgeting for nursing home care by the commissioner, and place the commissioner's primary concerns on fair and equitable reimbursement and enforcement. The revisions studied shall provide for reimbursement of capital costs according to a rental concept of payment based upon an initial appraised value of fixed assets and land that will be updated according to an index or indices. The commissioner shall prepare a report for the legislature before December 31, 1980, which shall include cost analyses, implementation strategies and suggestions regarding changes in rule and stat-

utory language needed to incorporate the revisions into the nursing home rate reimbursement system. The rule and statutory language changes in the report shall address allowable costs, capital costs, operating costs and exceptions.

Sec. 2. Minnesota Statutes 1978, Section 256B.47, is amended by adding a subdivision to read:

Subd. 5. The commissioner shall promulgate rules no later than August 1, 1980, to amend the current rules governing nursing home reimbursement, in accordance with sections 15.0411 to 15.052, to allow providers to allocate their resources in order to provide as many nursing hours as necessary within the total cost limitations of the per diem already granted.

Sec. 3. [STATEMENT OF PURPOSE.] *The legislature finds that general health is related to dental health and, due to the increased longevity of the population, the expansion of the nursing home industry, and the existing unmet and continuing needs for dental health in nursing homes, it is appropriate and necessary to establish programs for residents of nursing homes which promote dental health and prevent dental disease.*

Sec. 4. [PROGRAM ASPECTS.] *Subdivision 1. The commissioner of health shall provide for the establishment of nursing home dental health programs as provided in this section.*

Subd. 2. The commissioner shall:

(a) Develop, maintain, and distribute to nursing homes a dental health manual which identifies their administrative and patient care responsibilities and which recommends a local dental health policy;

(b) Establish, in conjunction with the dental profession, nursing home dental health standards, priorities of dental operations and guidelines for advisory dentists;

(c) Review existing nursing home dental health regulations to insure their consistency with current oral health standards;

(d) Seek the cooperation and coordination of a joint statewide effort between the dental profession, the nursing home industry and senior citizen organizations to promote the purpose of this section; and

(e) Provide technical dental health assistance, dental consultation, and current dental health information to nursing homes.

Subd. 3. In each of the eight health department districts, the commissioner shall establish during the biennial cycle a specific site program for nursing homes each to include:

(a) The analysis and identification of resident dental care needs and obstacles to access and the achievement of optimal oral health care and maintenance; and

(b) A training program of preventive oral health practices for nursing home staff.

Sec. 5. [PROGRAM SUPERVISION.] *The commissioner shall provide for all administrative and technical responsibilities for section 4. The development and administration of the program shall be under a licensed dentist.*

Sec. 6. [REPORT.] *The commissioner shall compile, analyze, and evaluate programmatic data and accomplishments related to sections 4 and 5 and submit a report to the legislature by April 15, 1981.*

Sec. 7. Minnesota Statutes 1978, Chapter 253A, is amended by adding a section to read:

[253A.22] [EVALUATION PROGRAM FOR COMMITTED PERSONS.] *Subdivision 1. The committing court in each county shall participate in a statewide results-oriented evaluation program designed to assure that each person it orders committed pursuant to section 253A.07 shall receive the best possible treatment plan. In order to implement the program, the court shall appoint for each committed person, upon that person's hospitalization for an indeterminate period, a counsel guardian for the duration of the person's period of commitment.*

Subd. 2. For each patient assigned to the counsel guardian, the guardian shall obtain from the head of the hospital where the patient is institutionalized, as soon as practical after hospitalization and at the beginning of treatment, a written report describing the significant cognitive, emotional and behavioral problems of the patient and a clinical diagnosis of those problems. The guardian shall file the report with the committing court. Upon completion of a specific plan of treatment for a patient, the counsel guardian shall file a written report with the court indicating the type of treatment administered; the length of and cost incurred for the treatment; and the results obtained in light of the original diagnosis of each identified problem of the patient. Each report required under this subdivision shall refer to the patient by use of a numerical code in order to protect the patient's privacy. The head of a hospital to which a person has been committed pursuant to chapter 253A, shall make treatment information available to counsel guardians and otherwise assist guardians to carry out the provisions of this section.

Subd. 3. In order to further the purposes of this section, the commissioner of public welfare shall develop and maintain a program of collection and compilation of statistics relating to treatment of patients. The data shall be derived from the reports required to be filed by guardians pursuant to subdivision 2. The commissioner shall provide a statistical summary of data relating to committed persons for each committing court and for the state as a whole. The commissioner shall prepare data in code and shall ensure that only the commissioner or his designate has access to the names of the patients, guardians and clinical diagnosticians.

Subd. 4. The judges of probate court may designate judges of probate to serve on a panel whose purpose shall be to analyze the impact, positive or negative, or both, of treatment upon committed persons. The panel may request statistical analysis relating

to treatment of patients from the commissioner of public welfare. The panel shall consult with a recognized state medical psychiatric organization prior to dissemination of the data amongst the two professions, law and medicine.

Sec. 8. [APPROPRIATION.] Subdivision 1. The sum of \$40,000 is appropriated from the general fund to the commissioner of public welfare for use in implementing an analysis and fiscal evaluation of suggested revisions to the nursing home rate reimbursement formula. This appropriation is available until January 1, 1981.

Subd. 2. The sum of \$40,000 is appropriated from the general fund to the commissioner of public welfare for the purpose of providing an ongoing computer based information retrieval system that includes the annual cost report information and the balance sheet and statement of changes in financial position from the audited financial statement required by section 256B.48, subdivision 2, clause (a). This appropriation is available until June 30, 1981.

Subd. 3. The sum of \$60,000 is appropriated from the general fund to the commissioner of health for nursing home dental health programs, to be available until June 30, 1981.

Subd. 4. The sum of \$10,000 is appropriated from the general fund to the commissioner of public welfare for the purposes of section 7 to be available until June 30, 1981.

Sec. 9. [TEMPORARY PROVISION.] The commissioner of corrections shall amend 11 MCAR Section 2.111 (G) (1.) by striking the word "Health" and insert the word "Corrections."

Notwithstanding sections 15.0411 to 15.052, the amendment shall be effective on the day following its publication in the State Register.

Sec. 10. [EFFECTIVE DATE.] This act is effective the day following its final enactment. Sections 3, 4, 5 and 6 shall expire June 30, 1981 and section 7 shall expire June 30, 1983."

Delete the title in its entirety and insert:

"A bill for an act relating to public welfare; providing for a study of revisions to the nursing home rate reimbursement formula; providing for an information retrieval system; providing for nursing home dental health programs; requiring result-oriented treatment programs and counsel guardians for persons committed to hospitals; requiring the commissioner to collect and prepare statistical data; appropriating money; amending Minnesota Statutes 1978, Section 256B.47, by adding a subdivision; and Chapter 253A, by adding a section."

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

House Conferees: (Signed) John T. Clawson, Tony D. Onnen, Thomas R. Berkelman

Senate Conferees: (Signed) Gerry Sikorski, Tom A. Nelson, John B. Keefe

Mr. Sikorski moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1847 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 1847 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Lessard	Penny	Staples
Bang	Gunderson	Luther	Perpich	Stern
Barrette	Hanson	Menning	Pillsbury	Stokowski
Benedict	Hughes	Merriam	Purfeerst	Strand
Bernhagen	Humphrey	Moe	Rued	Stumpf
Brataas	Keefe, J.	Nelson	Schaaf	Ueland, A.
Chmielewski	Kirchner	Nichols	Setzepfandt	Ulland, J.
Davies	Knaak	Ogdahl	Sieloff	Vega
Dieterich	Knoll	Olhoff	Sikorski	Wegener
Dunn	Knutson	Olson	Solon	Willet
Engler	Laufenburger	Omann	Spear	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Solon moved that H. F. No. 2429 be taken from the table. The motion prevailed.

H. F. No. 2429: A bill for an act relating to usury; changing the penalty for usurious loans made by state banks and savings banks; amending Minnesota Statutes 1978, Sections 334.02; 334.03; and Chapter 48, by adding a section.

Mr. Solon moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 2429, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

S. F. No. 480 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 480

A bill for an act relating to public health; authorizing the funding of a statewide poison information center; giving grant and program monitoring responsibilities to the commissioner of health; appropriating money.

March 31, 1980

The Honorable Edward J. Gearty
President of the Senate

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

We, the undersigned conferees for S. F. No. 480, report that we have agreed upon the items in dispute and recommend as follows:

The House recede from its amendments and S. F. No. 480 be further amended as follows:

Page 1, line 8, delete "STATE" and insert "MINNESOTA"

Page 1, line 12, delete "referral" and insert "appropriate home management"

Page 1, line 12, delete "treatment" and insert "referral"

Page 1, after line 15, insert:

"Subd. 2. [ADVISORY COUNCIL.] The commissioner of health shall appoint an advisory council to serve on a voluntary basis consisting of, but not limited to, the following: one nurse; one pharmacist; one physician each from the fields of toxicology, pediatric medicine, emergency medicine, and internal medicine; and one person who has no past or present material financial interest or professional involvement in the provision of poison information or treatment services. No more than three members may be residents of the metropolitan area, as defined in Minnesota Statutes, Section 473.02, Subdivision 5; no more than one may be a resident of any single county; and none may be affiliated in any way with the currently designated poison information center."

Renumber the subdivisions in sequence

Page 1, line 17, delete "On an annual basis," and insert "Each year"

Page 1, line 17, delete "of health,"

Page 1, line 18, delete "after giving" and insert "shall give"

Page 1, line 19, delete the comma and insert a period

Page 1, line 19, after the period, insert "After consulting with the advisory council, the commissioner"

Page 1, line 22, delete "3" and insert "4"

Page 2, line 1, delete quotation marks

Page 2, line 1, delete "state" and insert "Minnesota"

Page 2, line 3, delete "on a" and delete "basis"

Page 2, line 16, delete the comma and insert "direction as well as the"

Page 2, line 17, before the semicolon insert "needed for poison information services"

Page 3, line 10, delete "452,800" and insert "125,000"

Page 3, line 12, delete "state" and insert "Minnesota"

Page 3, line 13, delete everything after "available" and insert "until June 30, 1981."

Page 3, delete lines 14 to 16

Page 3, line 17, delete "Section 1 is" and insert "Sections 1 and 2 are"

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

Senate Conferees: (Signed) Emily Anne Staples, William G. Kirchner, Tom A. Nelson

House Conferees: (Signed) Tony D. Onnen, Robert W. Reif, Thomas R. Berkelman

Mrs. Staples moved that the foregoing recommendations and Conference Committee Report on S. F. No. 480 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 480 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Laufenburger	Penny	Staples
Ashbach	Frederick	Lessard	Perpich	Stern
Bang	Gearty	Luther	Pillsbury	Stokowski
Barrette	Gunderson	Menning	Renneke	Strand
Benedict	Hughes	Merriam	Rued	Stumpf
Bernhagen	Humphrey	Nelson	Schaaf	Tennessen
Brataas	Keefe, J.	Nichols	Setzepfandt	Ueland, A.
Chmielewski	Kirchner	Ogdahl	Sieloff	Ulland, J.
Davies	Knaak	Olhoft	Sikorski	Vega
Dieterich	Knoll	Olson	Solon	Wegener
Dunn	Knutson	Omann	Spear	Willet

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

S. F. No. 572 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 572

A bill for an act relating to the city of Bloomington; authorizing additional on-sale liquor licenses.

April 3, 1980

The Honorable Edward J. Gearty
President of the Senate

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

We, the undersigned conferees for S. F. No. 572, report that we have agreed upon the items in dispute and recommend as follows:

The House recede from its amendments and that S. F. No. 572 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. The label of any brand of intoxicating or nonintoxicating malt beverage may be registered only by the brand owner or its authorized agent. No such brand may be imported for sale within the state without the consent of the brand owner or its authorized agent.

Nothing in this subdivision shall be construed to repeal, limit or otherwise affect the provisions of section 340.114.

Sec. 2. Subdivision 1. The area known as the Metropolitan Sports area, comprising 147 acres, and which is generally described as lying east of Cedar Avenue, south of East 79th Street, west of 24th Avenue South and north of Killebrew Drive, shall be exempt from any legal limitations on the number of on-sale liquor licenses. The on-sale liquor licenses may be issued to establishments located in said area by the city and shall not apply to any limitation in Minnesota Statutes, Section 340.11, Subdivision 5a, and Laws 1979, Chapter 305, Section 2.

Subd. 2. This section is effective only upon approval by a majority of the city council in compliance with Minnesota Statutes, Section 645.021."

Delete the title and insert:

"A bill for an act relating to liquor; regulating registration of brand labels; removing certain limitations on the numbers of on-sale licenses which the city of Bloomington may issue."

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

Senate Conferees: (Signed) Otto T. Bang, Jr., Allan H. Spear, Sam G. Solon

House Conferees: (Signed) Bill Peterson, William Schreiber, James C. Pehler

Mr. Bang moved that the foregoing recommendations and Conference Committee Report on S. F. No. 572 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 572 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 38 and nays 15, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Moe	Rued	Strand
Bang	Gearty	Nelson	Setzepfandt	Stumpf
Barrette	Humphrey	Ogdahl	Sieloff	Ueland, A.
Benedict	Kirchner	Olson	Sikorski	Ulland, J.
Bernhagen	Kleinbaum	Omann	Solon	Vega
Brataas	Knaak	Penny	Spear	Wegener
Davies	Lessard	Perpich	Staples	
Engler	Luther	Pillsbury	Stern	

Those who voted in the negative were:

Anderson	Dunn	Knoll	Merriam	Schaaf
Chmielewski	Gunderson	Knutson	Olhoft	Tennessen
Dieterich	Hughes	Menning	Renneke	Willet

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

S. F. No. 1141 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1141

A bill for an act relating to hearing impaired persons; establishing regional service centers and advisory committees; establishing a statewide interpreter referral service; providing for a program of training and employment; prescribing duties for the commissioner of public welfare; establishing an office on hearing impairment; providing for an advisory committee for the state council for the handicapped; prescribing duties for the department of health; providing for a study by the state planning agency; appropriating money.

April 1, 1980

The Honorable Edward J. Gearty
President of the Senate

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

We, the undersigned conferees for S. F. No. 1141, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1141 be further amended as follows:

Page 1, line 15, delete "11" and insert "7"

Page 1, line 25, delete "10" and insert "7"

Page 2, delete lines 14 to 20

Page 2, line 27, after the period insert "The center shall maintain a current registry of those persons having or suspected of having a hearing impairment who live in that region. A special task of the registry is to assure that referrals and follow-up services are completed with respect to persons in the register."

Page 4, line 20, delete "staff of county welfare"

Page 4, delete line 21

Page 4, line 22, delete "boards" and insert "social service or income maintenance staff employed by counties or by organizations with whom counties contract for services"

Page 5, line 2, after the period insert "The commissioner of health shall establish standards for screening for hearing impairments with special emphasis on screening of persons from birth through school age and persons over age 65."

Page 5, delete lines 3 to 33

Page 6, delete lines 1 to 14 and insert:

"Sec. 8. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.44] [AIDS FOR HANDICAPPED AT STATE MEETINGS.] *After July 1, 1980, a state agency which sponsors, in whole or in part, a meeting or conference for the public or for state employees shall ensure that a physically handicapped participant who gives reasonable advance notice to the agency will receive the auxiliary aids necessary for effective participation. Auxiliary aids may include taped or brailled materials, interpreters or other effective means of making orally delivered material available to participants with hearing impairments, and equipment adaptable for use by participants with manual impairments and other similar services and action; however, nothing in this section shall (1) require a state agency to provide attendants, individually prescribed devices, or other devices or services of a personal nature or (2) apply to a state university, the university of Minnesota or a state community college with respect to classes, seminars or training programs which are offered by them. When sign language interpreters are provided, they shall be provided in a manner so that hearing impaired participants will be able to see their signing clearly. For the purposes of this section, "physically handicapped" has the meaning given in section 16.84, subdivision 8. For the purposes of this section, "agency" means any state officer, employee, board, commission, authority, department or other agency or the executive branch of state government.*

Sec. 9. Minnesota Statutes 1978, Section 16.85, Subdivision 1c, is amended to read:

Subd. 1c. *After July 1, 1979 1980, meetings or conferences attended by for the public and or for state employees sponsored in whole or in part by a state agency in non-publicly owned buildings shall be held in buildings that either meet the state building code requirements relating to accessibility for the physically handi-*

capped or are eligible to display the state symbol for accessibility persons. The provisions of this subdivision shall not apply to any classes, seminars or training programs offered by a state university, the university of Minnesota or a state community college. Meetings or conferences intended for specific individuals none of whom need the accessibility features for handicapped persons specified in the state building code need not comply with this subdivision unless a handicapped person gives reasonable advance notice of his or her intent to attend the meeting or conference. When sign language interpreters will be provided, meetings or conference sites shall be chosen which allow hearing impaired participants to see their signing clearly.

Sec. 10. Minnesota Statutes 1978, Section 16.85, Subdivision 1d, is amended to read:

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

For the purposes of this section, "agency" shall have the meaning given to it in section 16.098, subdivision 1, clause (3)."

Page 6, line 16, delete "\$1,006,500" and insert "\$302,000"

Page 6, line 18, after the period insert "The director of the state planning agency shall monitor the implementation and effectiveness of sections 1 to 7 and report to the legislature by January 1, 1982."

Page 6, line 20, delete "\$498,500" and insert "\$166,000"

Page 6, line 22, delete "1980-14"

Page 6, line 22, delete "22" and insert "8"

Page 6, line 24, delete "\$330,400" and insert "\$136,000"

Page 6, line 26, delete "1980-6"

Page 6, line 26, delete "10" and insert "6"

Page 6, delete lines 27 to 33

Page 7, delete line 1 and insert:

"Sec. 12. [EFFECTIVE DATE.] Sections 8 to 10 of this act are effective the day following final enactment."

Renumber sections in sequence

Underscore all new language in the bill

Amend the title as follows:

Page 1, line 2, delete "hearing impaired persons" and insert "the handicapped"

Page 1, line 2, after "committees" insert "to aid the hearing impaired"

Page 1, line 7, delete "commissioner" and insert "commissioners"

Page 1, line 7, before the semicolon insert "and health"

Page 1, line 7, delete "establishing an"

Page 1, delete lines 8 to 12 and insert "requiring certain state agency meetings to be accessible to physically handicapped persons; requiring certain auxiliary aids for physically handicapped participants at state agency meetings; appropriating money; amending Minnesota Statutes 1978, Section 16.85, Subdivisions 1c and 1d; and Chapter 15, by adding a section."

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

Senate Conferees: (Signed) Emily Anne Staples, William G. Kirchner, Tom A Nelson

House Conferees: (Signed) O. J. Heinitz, Paul McCarron, Mary M. Forsythe

Mrs. Staples moved that the foregoing recommendations and Conference Committee Report on S. F. No. 1141 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

Without objection, Mr. Barrette was excused from voting on S. F. No. 1141, pursuant to rule 22.

S. F. No. 1141 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 50 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Omann	Solon
Ashbach	Gearty	Luther	Penny	Spear
Bang	Gunderson	McCutcheon	Perpich	Staples
Benedict	Hughes	Menning	Pillsbury	Stern
Bernhagen	Humphrey	Merriam	Renneke	Stokowski
Brataas	Keefe, J.	Nelson	Rued	Strand
Chmielewski	Kirchner	Nichols	Schaaf	Stumpf
Davies	Kleinbaum	Ogdahl	Setzepfandt	Tennessee
Dieterich	Knaak	Olhoft	Sieloff	Ulland, J.
Engler	Knoll	Olson	Sikorski	Vega

Messrs. Dunn, Wegener and Willet voted in the negative.

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

S. F. No. 1875 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1875

A bill for an act relating to commerce; providing for ownership rights in dies and molds under certain conditions.

March 31, 1980

The Honorable Edward J. Gearty
President of the Senate

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

We, the undersigned conferees for S. F. No. 1875, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1875 be further amended as follows:

Page 2, line 15, delete "30 days" and insert "90 days"

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

Senate Conferees: (Signed) John B. Keefe, Jerome Gunderson, Howard D. Olson

House Conferees: (Signed) Carl W. Kroening, Joel Jacobs

Mr. Keefe, J. moved that the foregoing recommendations and Conference Committee Report on S. F. No. 1875 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 1875 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Gearty	Luther	Pillsbury	Stokowski
Barrette	Gunderson	McCutcheon	Renneke	Strand
Benedict	Hughes	Menning	Rued	Stumpf
Bernhagen	Humphrey	Merriam	Schaaf	Tennessen
Brataas	Keefe, J.	Nelson	Setzepfandt	Ueland, A.
Chmielewski	Kirchner	Nichols	Sieloff	Ulland, J.
Davies	Kleinbaum	Ogdahl	Sikorski	Vega
Dieterich	Knaak	Olhoft	Solon	Wegener
Dunn	Knoll	Olson	Spear	Willet
Engler	Knutson	Penny	Staples	
Frederick	Lessard	Perpich	Stern	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

S. F. No. 2095 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2095

A bill for an act relating to Hennepin County; providing for a county personnel system; providing various conditions of public employment; amending Laws 1965, Chapter 855, Sections 1, 2, 3, 4, as amended, 5, 6, as amended, 7, as amended, 8, 9, 10, 11, 12, 13, 14, 15, as amended, and 16; and Laws 1979, Chapter 198, Article I, Section 2; repealing Laws 1945, Chapter 607, as amended; Laws 1965, Chapter 855, Section 17; Laws 1967, Chapter 646, Sections 4, 5, 6, and 7, and Chapter 779; and Laws 1979, Chapter 198, Article III, Section 5.

April 1, 1980

The Honorable Edward J. Gearty
President of the Senate

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

We, the undersigned conferees for S. F. No. 2095, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 2095 be further amended as follows:

Page 5, line 28, delete "*five*" and insert "*seven*"

Page 7, line 14, delete "*35*" and insert "*50*"

Page 10, line 20, delete "*four-fifths*" and insert "*six-sevenths*"

Page 10, line 32, delete "*four-fifths*" and insert "*six-sevenths*"

Page 14, line 33, strike "the end that" and insert "*improve*"

Page 14, line 33, strike the third "the"

Page 15, line 1, strike "*service*" and insert "*services*"

Page 15, line 1, strike "by the persons in the classified service"

Page 15, strike line 2

Page 15, line 3, strike "advantage of promotional opportunities"

Page 31, delete lines 7 to 16

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "14,"

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

Senate Conferees: (Signed) Emily Anne Staples, John B. Keefe,
Myrton O. Wegener

House Conferees: (Signed) Lee Greenfield, Dee Long, Bill Peterson

Mrs. Staples moved that the foregoing recommendations and Conference Committee Report on S. F. No. 2095 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 2095 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 38 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knoll	Penny	Staples
Ashbach	Gearty	Lessard	Perpich	Stern
Bang	Gunderson	Luther	Pillsbury	Stokowski
Barrette	Hanson	McCutcheon	Purfeerst	Stumpf
Benedict	Hughes	Merriam	Schaaf	Ulland, J.
Brataas	Humphrey	Moe	Sikorski	Wegener
Chmielewski	Kirchner	Nichols	Solon	
Davies	Kleinbaum	Omann	Spear	

Those who voted in the negative were:

Bernhagen	Knaak	Olhoff	Renneke	Strand
Dunn	Menning	Peterson	Rued	Willet

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

S. F. No. 364 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 364

A bill for an act relating to peace officers; requiring uniform colors and identification for law enforcement motor vehicles and uniforms of peace officers and security guards; amending Minnesota Statutes 1978, Section 169.98.

March 31, 1980

The Honorable Edward J. Gearty
President of the Senate

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

We, the undersigned conferees for S. F. No. 364, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 364 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 367.41, Subdivision 1, is amended to read:

367.41 [CONSTABLES AND PEACE OFFICER LICENSING REQUIREMENTS; DEPUTY CONSTABLES, REQUIREMENTS.] Subdivision 1. Notwithstanding any general or local law or charter to the contrary, any constable employed or elected on or after July 1, 1979, by any political subdivision of the state of Minnesota shall not be eligible for permanent appointment without being licensed by the Minnesota board of peace officer standards and training pursuant to rules promulgated under section 626.843 section 626.8463, clauses (a) to (c).

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 626.84, is amended to read:

626.84 [DEFINITIONS AND SCOPE.] Subdivision 1. [DEFINITIONS.] For the purposes of sections 626.84 to 626.855, the following terms shall have the meanings given them:

(a) "Board" means the Minnesota board of peace officer standards and training;

(b) "Director" means the executive director of the board;

(c) "Peace officer" means an employee of a political subdivision or state law enforcement agency who is licensed by the board, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota highway patrol and state conservation officers.

(d) "Constable" shall have the meaning assigned to it in section 367.40.

(e) "Deputy constable" shall have the meaning assigned to it in section 367.40.

(f) "Part-time officer" means an individual licensed by the board whose services are utilized by law enforcement agencies no more than an average of 14 20 hours per week, not including time spent on call when no call to active duty is received, calculated on an annual basis, who has either full powers of arrest or authorization to carry a firearm while on active duty. The term shall apply even though the individual receives no compensation for time spent on active duty, and shall apply irrespective of the title conferred upon the individual by any law enforcement agency.

(g) "Reserve officer" means an individual whose services are utilized by a law enforcement agency for purposes including, but not limited to, providing supplementary assistance at special events, traffic or crowd control, or administrative or clerical assistance; provided that the individual's duties do not include enforcement of the general criminal laws of the state unless accompanied by a licensed peace officer; further provided that the individual does not have full powers of arrest or authorization to carry a firearm on duty. The term shall apply even though the individual receives no compensation and irrespective of the num-

ber of hours worked by, or the title conferred upon, the individual by any law enforcement agency.

Subd. 2. [SCOPE.] Notwithstanding sections 12.03, subdivision 4, 12.25, or any other law to the contrary, no individual employed or acting as an agent of any political subdivision shall be authorized to carry a firearm when on duty unless the individual has been licensed pursuant to sections 626.84 to 626.855. Nothing herein shall be construed as requiring licensure of a security guard as that term is defined in section 626.88, subdivision 1, clause (c).

Sec. 3. Minnesota Statutes 1978, Section 626.846, Subdivision 1, is amended to read:

626.846 [ATTENDANCE, FORFEITURE OF POSITION.] Subdivision 1. Notwithstanding any general or local laws or charter to the contrary, any peace officer or part-time officer employed or elected on or after July 1, 1978 1979, by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota with a population of more than 1,000 according to the last federal census shall not be eligible for permanent appointment without being licensed by the board pursuant to rules promulgated under section 626.843 sections 626.84 to 626.855.

Sec. 4. Minnesota Statutes 1978, Section 626.846, Subdivision 2, is amended to read:

Subd. 2. Every peace officer or part-time officer who shall be appointed by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota on a temporary basis or for a probationary term, shall forfeit his position unless he has been licensed by the board pursuant to sections 626.841 to 626.855. Any other peace officer or part-time officer employed or elected by any state, county, municipality or joint or contractual combination thereof, may attend peace officer training courses and be licensed by the board subject to the rules promulgated pursuant to section 626.843 sections 626.84 to 626.855.

Sec. 5. Minnesota Statutes, 1979 Supplement, Section 626.8463, is amended to read:

626.8463 [PART-TIME OFFICERS.] Any individual appointed or employed as a part-time officer to a position which was filled by a part-time officer in the year 1978 between January 1, 1978 and May 31, 1979 owing to the death, termination, or failure of the incumbent to comply with the requirements of this section shall provide proof to the board that:

(a) Within six months of his appointment he has satisfied the selection standards of the board then in effect. *The board shall grant a reasonable extension of time to show satisfaction of selection standards to any law enforcement agency that demonstrates that satisfaction of selection standards within six months would impose financial hardship;*

(b) Within 12 months of his appointment he has successfully

met the training requirements of section 626.8467, subdivision 2 completed a board certified course, or a professionally recognized program, in first aid, and, if authorized to carry a firearm on duty, firearms training, including legal limitations on the justifiable use of deadly force;

(c) Within 24 months of his appointment he has successfully passed a board part-time officer licensing examination.

A law enforcement agency may designate personnel as part-time officer replacements who shall be subject to the training requirements of this section notwithstanding the fact that the personnel are appointed to positions which were not filled by part-time officers in the year 1978 between January 1, 1978 and May 31, 1979. Provided that the number of personnel so designated shall not exceed a number equal to two or ten percent of the positions filled by part-time officers during the year 1978 between January 1, 1978 and May 31, 1979, rounded to the next highest whole number, whichever is greater.

Sec. 6. Minnesota Statutes 1978, Section 626.851, Subdivision 1, is amended to read:

626.851 [ELIGIBILITY OF OFFICERS.] Subdivision 1. Any police peace officer or part-time officer employed or elected by any county or municipality of the state of Minnesota shall be eligible to attend such training courses as herein provided in accordance with the rules and regulations of the board.

Sec. 7. Minnesota Statutes, 1979 Supplement, Section 626.8464, is amended to read:

626.8464 [NEW PART-TIME POSITIONS.] Except as otherwise provided in section 626.8463, any individual appointed or employed as a part-time officer to a position which was not filled by a part-time officer in the year 1978 between January 1, 1978 and May 31, 1979 shall meet the training and licensing requirements of the board then in effect for full-time peace officers.

Sec. 8. Minnesota Statutes 1978, Section 626.852, is amended to read:

626.852 [TUITION; SALARY AND EXPENSES.] No tuition shall be charged any peace officer or part-time officer for attending any training school herein provided for, and each officer when assigned to attend the police school shall receive his regular salary and shall be reimbursed by the governing body of the governmental unit or combination of governmental units from which elected or by which employed for his cost of meals, travel, and lodgings while in attendance at the police school, not to exceed similar allowance for state employees; except as provided in section 626.853.

Sec. 9. [626.88] [UNIFORMS; PEACE OFFICERS, SECURITY GUARDS; COLOR.] Subdivision 1. [DEFINITIONS.] (a) For the purposes of this section, the following terms have the meanings given them.

(b) "Peace officer" means an employee of a political subdivision or state law enforcement agency who is licensed pursuant to sections 626.84 to 626.855 charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has full power of arrest, and shall also include Minnesota highway patrolmen, state conservation officers, park police, constables, and University of Minnesota police officers.

(c) "Security guard" means any person who is paid a fee, wage or salary to perform one or more of the following functions:

(1) Prevention or detection of intrusion, unauthorized entry or activity, vandalism or trespass on private property;

(2) Prevention or detection of theft, loss, embezzlement, misappropriation, or concealment of merchandise, money, bonds, stocks, notes, or other valuable documents or papers;

(3) Control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, to assure protection of private property;

(4) Protection of individuals from bodily harm; or

(5) Enforcement of policies and rules of his employer related to crime reduction insofar as such enforcement falls within the scope of his duties.

The term "security guard" does not include: (i) auditors, accountants, and accounting personnel performing audits or accounting functions; (ii) employees of a firm licensed pursuant to section 326.331 whose duties are primarily administrative or clerical in nature; (iii) unarmed watchmen; (iv) personnel temporarily employed pursuant to statute or ordinance by political subdivisions to provide protective services at social functions; (v) employees of air or rail carriers.

Subd. 2. [UNIFORMS.] Uniforms for peace officers shall be of uniform colors throughout the state as provided herein. Uniforms for:

(a) Municipal peace officers, including University of Minnesota peace officers, constables, and peace officers assigned to patrol duties in parks, shall be blue, brown or green;

(b) Peace officers who are members of the county sheriffs' office shall be blue, brown or green;

(c) Highway patrolmen shall be maroon;

(d) Conservation officers shall be green.

The uniforms of security guards may be any color other than those specified for peace officers.

This subdivision shall apply to uniforms purchased subsequent to January 1, 1981.

Sec. 10. Minnesota Statutes 1978, Section 169.98, is amended to read:

169.98 [POLICE OR PATROL VEHICLES; SECURITY GUARD VEHICLES; MARKINGS AND COLORS.] Subdivision 1. Except as provided in this subdivision 2, all motor vehicles which are primarily used in the enforcement of highway traffic regulation by the highway patrol or for general uniform patrol assignment by any municipal police department; highway patrol, or peace officer other law enforcement agency, except conservation officers, shall have uniform colors and markings as provided herein. Motor vehicles of:

(a) *Municipal police departments, including the University of Minnesota police department and park police units, and constables shall be predominantly blue, brown, green or white;*

(b) *The highway patrol shall be predominantly maroon; and*

(c) *The county sheriffs' office shall be predominantly brown or white.*

The commissioner of public safety by rule or regulation shall establish uniform colorings and markings for such motor vehicles which colors and markings shall be both distinctive and contrasting in appearance so as to distinguish such motor vehicles from other motor vehicles and make them easily identifiable.

The identity of the governmental unit operating the vehicle shall be displayed on both front door panels and on the rear of the vehicle. The identity may be in the form of a shield or emblem, or may be the word "police", "sheriff", or the words "state patrol" or "conservation officer", as appropriate, with letters not less than two and one-half inches high, one inch wide and of a three-eighths inch brush stroke. The identity shall be of a color contrasting with the background color so that the motor vehicle is easily identifiable as belonging to a specific type of law enforcement agency. Each vehicle shall be marked with its own identifying number on the rear of the vehicle. The number shall be printed in the same size and color required pursuant to this subdivision for identifying words which may be displayed on the vehicle.

Subd. 2. The commissioner of public safety may authorize the use of specially marked highway patrol vehicles, that have only a marking composed of a shield on the right door with the words inscribed thereon "Minnesota Highway State Patrol" for primary use in the enforcement of highway traffic regulations when in his judgment the use of specially marked highway patrol vehicles will contribute to the safety of the traveling public. The number of such specially marked highway patrol vehicles used in the enforcement of highway traffic regulations shall not exceed 10 percent of the total number of highway patrol vehicles used in traffic law enforcement. All specially marked highway patrol vehicles shall be operated by uniformed members of the highway patrol and so equipped and operated as to clearly indicate to the driver of a car which is signaled to stop that the specially marked highway patrol vehicle is being operated by the highway patrol.

Subd. 3. All motor vehicles which are used by security guards in

the course of their employment may have any color other than those specified in subdivision 1 for law enforcement vehicles. The identity of the security service shall be displayed on the motor vehicle as required for law enforcement vehicles.

Subd. 2. 4. ~~Subdivision 1~~ Subdivisions 1 to 3 shall apply to those motor vehicles used primarily in traffic law enforcement purchased subsequent to the effective date of Laws 1950, Chapter 554 and also subsequent to the effective date of any rules and regulations that the commissioner of public safety shall establish pursuant to the purposes set forth in subdivision 1 January 1, 1981.

Sec. 11. Minnesota Statutes 1978, Section 326.337, Subdivision 1, is amended to read:

326.337 [VIOLATIONS; PENALTY.] Subdivision 1. It is unlawful for the holder of a license knowingly to commit any of the following acts within or without the state of Minnesota: To incite, encourage, or aid in the incitement or encouragement of any person who has become a party to any strike to do unlawful acts or to incite, stir up, create, or aid in the inciting of discontent or dissatisfaction among the employees of any person, firm, or corporation with the intention of having them strike; to interfere with or prevent lawful and peaceful picketing during strikes; to interfere with, restrain or coerce employees in the exercise of their right to form, join, or assist any labor organization of their own choosing; to interfere with or hinder the lawful or peaceful collective bargaining between employees and employers; to pay, offer to give any money, gratuity, favor, consideration, or other thing of value, directly or indirectly, to any person for any verbal or written report of the lawful activities of employees in the exercise of their right of self-organization and their right to form, join, or assist labor organizations and to bargain collectively through representatives of their own choosing; to advertise for, recruit, furnish or replace, or offer to furnish or replace, for hire or reward, within or without Minnesota, any help or labor, skilled or unskilled, or to furnish or offer to furnish armed guards, other than armed guards regularly employed for the protection of payrolls, property, or premises, for service upon property which is being operated in anticipation of or during the course or existence of a strike, or furnish armed guards upon the highways, for persons involved in labor disputes or to furnish or offer to furnish to employers or their agents any arms, munitions, tear gas implements, or any other weapons; to use in any manner the word words "police", "constable", "patrol", "law enforcement", or the name of the local city, county or state on any vehicle, badge, emblem, stationery, advertising of any private detective or protective agent as defined in section 326.338 and no vehicle, emblem, or badge shall be designed or worn as imitative of any such vehicle, emblem, or badge used by a police department, highway patrol, constable or peace officer, or to send letters or literature to employers offering to eliminate labor unions, or distribute or circulate any list of members of a labor organization, or to advise any person of the membership of an individual in a labor organization for the express

purpose of preventing those so listed or named from obtaining or retaining employment. Any person who violates the provisions of this subdivision is guilty of a gross misdemeanor.

Sec. 12. [REPEALER.] *Minnesota Statutes 1978, Sections 367.41, Subdivision 3; and 626.846, Subdivisions 1a, 3a, 4, and 5; Minnesota Statutes, 1979 Supplement, Sections 367.41, Subdivision 2; and 626.8467 are repealed.*

Sec. 13. [EFFECTIVE DATE.] *This act is effective upon final enactment."*

Delete the title and insert:

"A bill for an act relating to peace officers, part-time officers and constables; providing for the training of part-time officers and constables; requiring uniform colors and identification for law enforcement motor vehicles and uniforms of peace officers and security guards; amending Minnesota Statutes 1978, Sections 169.98; 326.337, Subdivision 1; 367.41, Subdivision 1; 626.846, Subdivisions 1 and 2; 626.851, Subdivision 1; 626.852; and Minnesota Statutes, 1979 Supplement, Sections 626.84; 626.8463; 626.8464; and repealing Minnesota Statutes 1978, Sections 367.41, Subdivision 3; and 626.846, Subdivisions 1a, 3a, 4, and 5; and Minnesota Statutes, 1979 Supplement, Sections 367.41, Subdivision 2; and 626.8467."

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

Senate Conferees: (Signed) Bill McCutcheon, Gerald L. Willet, Douglas H. Sillers

House Conferees: (Signed) Robert E. Vanasek, Arlene I. Lehto, Gary W. Laidig

Mr. McCutcheon moved that the foregoing recommendations and Conference Committee report on S. F. No. 364 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 364 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dieterich	Humphrey	Lessard	Olhoft
Bang	Dunn	Johnson	Luther	Omann
Barrette	Engler	Keefe, J.	McCutcheon	Penny
Benedict	Frederick	Kirchner	Menning	Perpich
Bernhagen	Gearty	Kleinbaum	Merriam	Peterson
Brataas	Gunderson	Knaak	Moe	Pillsbury
Chmielewski	Hanson	Knoll	Nelson	Purfeerst
Davies	Hughes	Knutson	Nichols	Renneke

Rued
Schaaf
Setzepfandt
Sieloff

Sikorski
Solon
Spear
Staples

Stern
Stokowski
Strand
Stumpf

Tennessee
Ueland, A.
Ulland, J.
Vega

Wegener
Willet

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

S. F. No. 2134 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2134

A bill for an act relating to natural resources; providing for analysis of hydroelectric generating capacity of publicly owned dams; clarifying provisions relating to the administration of and authorization for dam repair and reconstruction grants; authorizing the employment of a person to administer grants; appropriating money; amending Minnesota Statutes 1978, Section 105.482, Subdivisions 1 and 4; Minnesota Statutes, 1979 Supplement, Section 105.482, Subdivisions 3 and 5a; and Laws 1979, Chapter 300, Section 4, Subdivisions 1 and 5.

March 31, 1980

The Honorable Edward J. Gearty
President of the Senate

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

We, the undersigned conferees for S. F. No. 2134, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 2134 be further amended as follows:

Page 5, line 14, strike "2, 3 and" and insert "1 to"

Page 5, delete lines 20 to 26

Page 5, line 27, delete "7" and insert "6"

Re number the remaining section

Amend the title as follows:

Page 1, line 7, delete everything after the semicolon

Page 1, line 8, delete "administer grants;"

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

Senate Conferees: (Signed) Gerald L. Willet; Hubert H. Humphrey, III; Robert G. Dunn

House Conferees: (Signed) Arlene I. Lehto, Willard M. Munger, Warren Stowell

Mr. Willet moved that the foregoing recommendations and Conference Committee Report on S. F. No. 2134 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 2134 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Lessard	Peterson	Stokowski
Bang	Gearty	Luther	Pillsbury	Strand
Barrette	Gunderson	Menning	Purfeerst	Stumpf
Benedict	Hanson	Merriam	Renneke	Tennesen
Bernhagen	Hughes	Moe	Rued	Ueland, A.
Brataas	Humphrey	Nelson	Schaaf	Ulland, J.
Chmielewski	Johnson	Nichols	Setzepfandt	Vega
Coleman	Kirchner	Olhoff	Sikorski	Wegener
Davies	Kleinbaum	Olson	Solon	Willet
Dieterich	Knaak	Omann	Spear	
Dunn	Knoll	Penny	Staples	
Engler	Knutson	Perpich	Stern	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

S. F. No. 702 and the Conference Committee Report thereon, were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 702

A bill for an act relating to health; requiring counties to establish local nursing home pre-admission screening teams; prescribing duties of the teams and the commissioner of public welfare; appropriating money; amending Minnesota Statutes 1978, Chapter 256B, by adding a section.

April 3, 1980

The Honorable Edward J. Gearty
President of the Senate

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

We, the undersigned conferees for S. F. No. 702, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 702 be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Chapter 256B, is amended by adding a section to read:

[256B.091] [NURSING HOME PRE-ADMISSION SCREENING PROGRAM.] *Subdivision 1. [PURPOSE.] It is the purpose of this section to prevent inappropriate nursing home placement by establishing a program of pre-admission screening teams for all medical assistance recipients and any individual who would become eligible for medical assistance within 90 days of admission to a licensed nursing home participating in the program. Further, it is the purpose of this section and the program to gain further information about how to contain costs associated with inappropriate nursing home admissions. The commissioners of public welfare and health shall seek to maximize use of available federal and state funds and establish the broadest program possible within the appropriation available. The commissioner of public welfare shall promulgate temporary rules in order to implement this section by September 1, 1980.*

Subd. 2. [SCREENING TEAMS; ESTABLISHMENT.] Each county agency designated by the commissioner of public welfare to participate in the program shall contract with the local board of health organized under Minnesota Statutes, Section 145.911 to 145.922 or other public or non-profit agency to establish a screening team to assess, prior to admission to a nursing home licensed under section 144A.02, the health and social needs of medical assistance recipients and individuals who would become eligible for medical assistance within 90 days of nursing home admission. Each local screening team shall be composed of a public health nurse from the local public health nursing service and a social worker from the local community welfare agency. Each screening team shall have a physician available for consultation and shall utilize individuals' attending physicians' physical assessment forms, if any, in assessing needs. The individual's physician shall be included on the screening team if the physician chooses to participate. Other personnel as deemed appropriate by the county agency may be included on the team. No member of a screening team shall have a direct or indirect financial or self-serving interest in a nursing home or non-institutional referral such that it would not be possible for the member to consider each case objectively.

Subd. 3. [SCREENING TEAM; DUTIES.] Local screening teams shall seek cooperation from other public and private agencies in the community which offer services to the disabled and elderly. The responsibilities of the agency responsible for screening shall include:

(a) Provision of information and education to the general public regarding availability of the screening program;

(b) Acceptance of referrals from individuals, families, human service professionals and nursing home personnel of the community agencies;

(c) *Assessment of health and social needs of referred individuals and identification of services needed to maintain these persons in the least restrictive environments;*

(d) *Identification of available noninstitutional services to meet the needs of individuals referred;*

(e) *Recommendations for individuals screened regarding:*

(1) *Nursing home admission; and*

(2) *Maintenance in the community with specific service plans and referrals and designation of a lead agency to implement each individual's plan of care;*

(f) *Provisions of follow up services as needed; and*

(g) *Preparation of reports which may be required by the commissioner of public welfare.*

Subd. 4. [SCREENING OF PERSONS.] *Prior to nursing home admission, screening teams shall assess the needs of all persons receiving medical assistance and of all persons who would be eligible for medical assistance within 90 days of admission to a nursing home, except patients from acute care facilities or transfers from other nursing homes. Any other interested person may be assessed by a screening team upon payment of a fee based upon a sliding fee scale.*

Subd. 5. [APPEALS.] *Appeals from the screening team's determination shall be made pursuant to the procedures set forth in Minnesota Statutes, Section 256.045, Subdivisions 2 and 3. An appeal shall be automatic if the individual's physician does not agree with the recommendation of the screening team.*

Subd. 6. [TEAM REIMBURSEMENT.] *The commissioner of public welfare shall amend the Minnesota medical assistance plan to include reimbursement for the local screening teams. Reimbursement shall not be provided for any recipient placed in a nursing home in opposition to the screening team's recommendation after January 1, 1981; provided, however, the commissioner shall not deny reimbursement for (1) an individual admitted to a nursing home who is assessed to need long-term supportive services if long-term supportive services other than nursing home care are not available in that community; or (2) any eligible individual placed in the nursing home pending an appeal of the preadmission screening team's decision; or (3) any eligible individual placed in the nursing home by a physician in an emergency situation and where the screening team has not made a decision within five working days of its initial contact.*

Subd. 7. [REPORT.] *The commissioner of public welfare, in consultation with the commissioner of health, shall evaluate the screening program established pursuant to this section and provide a report to the legislature by April 1, 1981, which shall include a description of:*

(a) *The cost effectiveness of the program;*

- (b) *The unmet needs in the community;*
- (c) *Similar screening activities in the counties;*
- (d) *Methods to improve the program.*

Sec. 2. [APPROPRIATION.] *For the biennium ending June 30, 1981, there is appropriated from the general fund to the department of public welfare the sum of \$48,000 for the purposes of section 1 and the approved complement shall be increased by one until June 30, 1981.*

Sec. 3. [EFFECTIVE DATE.] *This act shall be effective the day following its enactment."*

Amend the title as follows:

Page 1, lines 2 and 3, delete "requiring counties to establish" and insert "establishing"

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

Senate Conferees: (Signed) Tom A. Nelson, Emily Anne Staples, William G. Kirchner

House Conferees: (Signed) Linda L. Berglin, Richard J. Welch, O. J. Heinitz

Mrs. Staples moved that the foregoing recommendations and Conference Committee Report on S. F. No. 702 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 702 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 50 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Knaak	Perpich	Staples
Bang	Engler	Knoll	Peterson	Stern
Barrette	Frederick	Luther	Pillsbury	Stokowski
Benedict	Gearty	Merriam	Purfeerst	Strand
Bernhagen	Gunderson	Moe	Renneke	Stumpf
Brataas	Hanson	Nelson	Schaaf	Tennessen
Chmielewski	Hughes	Nichols	Setzepfandt	Ueland, A.
Coleman	Humphrey	Olhoff	Sikorski	Ulland, J.
Davies	Johnson	Olson	Solon	Vega
Dieterich	Kirchner	Penny	Spear	Willet

Those who voted in the negative were:

Knutson	Menning	Omann	Rued	Wegner
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So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

RECESS

Mr. Coleman moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

Without objection, the Senate reverted to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES**APPOINTMENTS**

Mr. Coleman from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H. F. No. 2429: Messrs. Solon, Bang and Sikorski.

H. F. No. 644: Messrs. Strand, Schaaf and Kirchner.

Mr. Coleman moved that the foregoing appointments be approved. The motion prevailed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Wednesday, April 9, 1980. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate