



Minnesota Legislature:
Senate Bills

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House
Companion
No.

DUPLICATE

S. F. NO. 1383

A bill for an act relating to metropolitan government; regulating solid waste; amending Laws 1975, Chapter 13, Sections 1, by adding subdivisions; 11, Subdivision 1; 42, Subdivision 1; 139; 140, Subdivision 1; 141; 142; 143; and 144; and by adding sections; repealing Laws 1975, Chapter 13, Section 140, Subdivision 2.

B. D. No. B3357

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators Chenoweth for the
Committee on Metropolitan Urban Affairs
★ Read FIRST TIME APR 7 1975 and Referred to the
Committee on _____ under the rules of the Senate, laid over one day.

Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

☐ OTHER ACTION
Refer to back of cover for other
action.

☐ CONFERENCE COMMITTEE ACTION
Refer to back of cover for conference
committee action.

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Printed Page No.

S. F.

No.

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Mr. Chenoweth, for the Committee on Metropolitan and Urban affairs, introduced--

S. F. No. 1383:

Under the rules of the Senate, laid over one day.

A bill for an act

relating to metropolitan government; regulating solid waste; amending Laws 1975, Chapter 13, Sections 1, by adding subdivisions; 11, Subdivision 1; 42, Subdivision 1; 139; 140, Subdivision 1; 141; 142; 143; and 144; and by adding sections; repealing Laws 1975, Chapter 13, Section 140, Subdivision 2.

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

Section 1. Laws 1975, Chapter 13, Section 1, is amended by adding a subdivision to read:

Subd. 29a. "Resource recovery facility" means a facility to be used for the separation, processing or preparation for sale of solid waste, or the conversion of solid waste into usable materials, products or energy.

Sec. 2. Laws 1975, Chapter 13, Section 1, is amended by adding a subdivision to read:

Subd. 29b. "Collection" means the aggregation of solid waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a solid waste disposal site or facility or resource recovery facility.

Sec. 3. Laws 1975, Chapter 13, Section 1, is amended by adding a subdivision to read:

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1 Subd. 29c. "Waste resource district" or "district"
2 means a geographic area determined by the council under
3 section 16 of this act in which all or a portion of the
4 solid waste collected must be transported to a designated
5 resource recovery facility.

6 Sec. 4. Laws 1975, Chapter 13, Section 1, is amended
7 by adding a subdivision to read:

8 Subd. 29d. "Hazardous waste disposal site or facility"
9 means all real or personal property which is or may be
10 needed or useful for the confinement, processing, or
11 disposal of hazardous waste generated primarily within the
12 metropolitan area.

13 Sec. 5. Laws 1975, Chapter 13, Section 42, Subdivision
14 1, is amended to read:

15 Sec. 42. [473.249] [TAX LEVY.] Subdivision 1. The
16 metropolitan council may levy a tax on all taxable property
17 in the counties named in section 1 to provide funds for the
18 purposes of sections 1 to 42. The tax shall not exceed
19 seven-thirtieths of one mill on each dollar of assessed
20 valuation of all such taxable property, and shall be levied
21 and collected in the manner provided by Minnesota Statutes,
22 section 473.08. In addition the council may levy a tax
23 under this section in 1975, payable in 1976, for the
24 purposes of section 9 of this act and section 11 in an
25 amount not to exceed .05 mills, except that the amount of
26 taxes which may be levied shall be reduced by the amount of
27 any funds received from state or federal sources for the
28 purpose.

29 Sec. 6. Laws 1975, Chapter 13, Section 139, is amended
30 to read:

31 Sec. 139. [473.802] [LEGISLATIVE PURPOSE AND POLICY.]
32 The legislature determines that for the protection of the

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1 public health, safety, and welfare of the people of the
2 metropolitan area, for the prevention, control and abatement
3 of pollution of air and waters of the state in the
4 metropolitan area, and for the efficient and economic
5 collection and disposal of solid waste in the metropolitan
6 area and for the recovery of the resources contained in
7 solid waste, it is necessary to authorize the pollution
8 control agency to regulate the location and operation of
9 solid waste disposal and resource recovery sites and
10 facilities in the area; to authorize the metropolitan
11 council to carry on a continuous, long range program of
12 planning with respect to, and regulate the collection of
13 solid waste, the location and use of, solid waste disposal
14 and, where necessary under section 11, resource recovery
15 sites and facilities in the area ~~and~~; to authorize the
16 ~~counties in the area~~ metropolitan counties to regulate the
17 collection of solid waste and, where necessary under section
18 11, to acquire, construct, operate, maintain and regulate
19 solid waste disposal and resource recovery sites and
20 facilities in the area; and to authorize the commission
21 where necessary under section 11, to acquire, construct,
22 operate, maintain and regulate its resource recovery
23 facilities in the area. The legislature declares that a
24 public purpose is served by the recovery and utilization of
25 resources from solid waste where economically viable and
26 compatible with source reduction.

27 Sec. 7. Laws 1975, Chapter 13, Section 11, Subdivision
28 1, is amended to read:

29 Sec. 11. [473.149] [SOLID WASTE POLICY PLAN.]

30 Subdivision 1. The metropolitan council shall prepare and
31 ~~by resolution~~ adopt by January 1, 1977, a comprehensive
32 policy plan for the collection, disposal and resource

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1 recovery of solid waste and the management and disposal of
2 hazardous waste in the metropolitan area ~~for each period as~~
3 ~~the council deems proper and reasonable~~ pursuant to section
4 9, subdivisions 1 and 2 ; and, when adopted, such plan shall
5 be followed in the metropolitan area. In developing the
6 plan the council shall consider the preservation and best
7 and most economical use of land and water resources in the
8 metropolitan area. The plan shall include a statement of
9 goals and policies for solid waste collection, disposal,
10 resource recovery, and hazardous waste disposal and
11 management, criteria for solid waste disposal and resource
12 recovery sites and hazardous waste disposal sites, the
13 general location and capacities of needed disposal and
14 resource recovery sites and facilities, projections of
15 ~~disposal~~ capacities required, the criteria for setting the
16 general location of boundaries of waste resource districts
17 and the general character of collection services offered.
18 therein, regulations for the operation of disposal and
19 resource recovery sites and facilities, a description of
20 disposal and resource recovery techniques which may be used,
21 the type or types of solid waste and hazardous waste to be
22 disposed of or recovered at each site or facility, and such
23 other details as the council deems appropriate. Criteria
24 for solid waste disposal and resource recovery sites and
25 hazardous waste disposal sites, and regulations for the
26 operation of disposal sites and facilities, included in the
27 plan, shall be consistent with regulations adopted by the
28 pollution control agency pursuant to section 144 and
29 Minnesota Statutes, Section 116.06. ~~The plan may be revised~~
30 ~~as often as the council deems necessary in the same manner~~
31 ~~as provided for the adoption thereof.~~ A copy of the
32 comprehensive policy plan and each revision thereof shall

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1 be delivered or mailed to the pollution control agency, the
2 metropolitan waste control commission and the county auditor
3 of each metropolitan county after it has been adopted. The
4 council shall adopt by September 1, 1975, an interim policy
5 plan for resource recovery facilities which shall be
6 followed until the policy plan is adopted. The
7 comprehensive plan for solid and hazardous waste in
8 existence at the time of the passage of this act shall
9 remain in effect until the policy plan is adopted. Prior to
10 the adoption by the council of its ~~comprehensive~~ interim
11 policy plan, no metropolitan county commission, person or
12 local government unit shall acquire, construct or commence
13 operation of any solid waste disposal site or hazardous
14 waste disposal site, or facility or resource recovery
15 facility unless approved by the council, and . After the
16 ~~comprehensive~~ policy plan is adopted no metropolitan
17 county, local government unit, commission or person shall
18 acquire, improve or operate any solid waste disposal or
19 resource recovery site or facility or hazardous waste
20 disposal site or facility in the metropolitan area except in
21 accordance with the plan, provided that no solid waste
22 disposal or resource recovery site or hazardous waste
23 disposal site or facility in use when the ~~comprehensive~~
24 policy plan is adopted shall be discontinued solely because
25 it is not located in an area designated in the plan as
26 acceptable for the location of such sites and facilities.

27 Sec. 8. Laws 1975, Chapter 13, is amended by adding a
28 section to read:

29 Sec. 139A. [473.804] [ADVISORY COMMITTEE.] The council
30 shall establish an advisory committee to aid in the
31 preparation of the interim policy plan and the policy plan
32 under section 11, the review of development programs under

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1 sections 9 of this act and 140, and the other duties
2 determined by the council. The committee shall consist of
3 one-third citizen representatives, one-third representatives
4 from the waste control commission, municipalities and
5 metropolitan counties, and one-third representatives from
6 private waste management firms. A representative from the
7 pollution control agency and the Minnesota health department
8 shall serve as ex-officio members of the committee.

9 Sec. 9. Laws 1975, Chapter 13, is amended by adding a
10 section to read:

11 Sec. 139B. [473.805] [RESOURCE RECOVERY DEVELOPMENT
12 PROGRAM.] Subdivision 1. The metropolitan waste control
13 commission shall prepare and submit in the manner provided
14 in and satisfying the requirements of section 12, a
15 development program to implement the resource recovery and
16 hazardous waste disposal and management portions of the
17 policy plan adopted by the council that the commission plans
18 to implement. The program may include specific boundaries
19 of proposed waste resource districts. The waste control
20 commission shall submit an interim development program to
21 the council by February 1, 1976.

22 Sec. 10. Laws 1975, Chapter 13, Section 140,
23 Subdivision 1, is amended to read:

24 Sec. 140. [473.806] [METROPOLITAN COUNTIES;
25 DEVELOPMENT PROGRAM.] Subdivision 1. Each metropolitan
26 county, upon receipt of the council's ~~comprehensive~~ policy
27 plan, shall prepare and submit to the council for its
28 approval, a ~~report~~ development program for disposal of
29 solid waste, resource recovery and collection regulation
30 including: a description of any solid waste disposal or
31 resource recovery site or facility which the county owns or
32 plans to acquire to implement the ~~comprehensive~~ policy

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1 plans; the planned method, estimated cost and time of
2 acquisition thereof; a description of any improvements which
3 will be necessary to make the site or facility suitable for
4 solid waste disposal or resource recovery; proposed
5 procedures for the operation and maintenance of any such
6 site or facility; an estimate of the annual cost of
7 operation and maintenance of each site or facility; an
8 estimate of the annual gross revenues which will be received
9 from the operation of each site or facility; and a proposal
10 for the use of each site when filled. In addition, the
11 program shall indicate the volume of solid waste which will
12 be delivered on a monthly basis to each resource recovery
13 facility, as well as any minimum waste requirements needed
14 for the operation of any resource recovery facility. The
15 program may include proposed waste resource districts. The
16 program shall, where practicable, encourage ownership and
17 operation by private industry. The ~~report~~ program shall
18 also include a complete survey of existing or proposed
19 municipal or private solid waste disposal sites and
20 facilities and resource recovery facilities in the county
21 containing information similar to that required for county
22 facilities, and a statement of the extent to which they will
23 or may be used to implement the ~~comprehensive~~ policy plan.
24 The program shall include a description of solid waste and
25 hazardous waste collection procedures or systems used or
26 planned for use within the county, including but not limited
27 to a list of the authorized haulers; public revenues,
28 expenditures, contracts and rates; volume and general
29 categories of waste hauled, origin and destination points
30 whether inside or outside the unit, and routes. Each person
31 having a permit issued by a local government unit within the
32 county or the pollution control agency for the collection of

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1 solid waste or hazardous waste, shall make such information
2 available to the county. The data collected shall only be
3 released to the public in aggregate amounts indicating the
4 general character of the waste collection system.

5 The council shall approve the ~~report~~ program if it is
6 in accordance with its ~~comprehensive~~ policy plan. The
7 report program, when approved by the council, shall be
8 implemented by the county. Each report not approved by the
9 council shall be returned to the county with a statement of
10 the reasons for the council's failure to approve it and a
11 conforming program shall be submitted for review to the
12 council. The council may indicate additional private
13 industry proposals which must be considered by the county.
14 The solid waste disposal report in effect upon the date of
15 enactment of this act shall remain in effect until the
16 development program is adopted. Each metropolitan county
17 shall submit an interim development program to the council
18 by February 1, 1976, describing resource recovery facilities
19 in the county, if any, which the county or a private
20 corporation intends to acquire or construct in order to
21 implement the policy plan of the council.

22 Sec. 11. Laws 1975, Chapter 13, is amended by adding a
23 section to read:

24 Sec. 140A. [473.807] (PRIVATE OR PUBLIC RESOURCE
25 RECOVERY PROPOSALS.) Any person or governmental unit may
26 submit to the metropolitan council by February 1, 1976, a
27 proposal to implement all or a portion of the resource
28 recovery elements of the council's policy plan. The
29 proposal shall include the information needed to meet the
30 requirements of the interim policy plan of the council.

31 Sec. 12. Laws 1975, Chapter 13, Section 141, is
32 amended to read:

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1 Subdivision 1. To accomplish the purpose specified in
2 section 140, each metropolitan county may acquire by
3 purchase, lease, gift or condemnation as provided by law,
4 upon such terms and conditions as it shall determine,
5 including contracts for deed and conditional sales
6 contracts, solid waste disposal sites or facilities and
7 resource recovery facilities which are in accordance with
8 regulations adopted by the agency, the ~~comprehensive~~ policy
9 plan adopted by the council and the county ~~report~~
10 development program as approved by the council, ~~and~~ may
11 improve or construct improvements on any site or to any
12 facility so acquired and negotiate contracts for the use of
13 public or private facilities where the same are adequate and
14 available for the intended function and are competitive with
15 other means of providing the same services . Each
16 metropolitan county is authorized to levy a tax in
17 anticipation of need for expenditure for the acquisition and
18 betterment of solid waste disposal sites or facilities and
19 resource recovery facilities . If such a tax is levied in
20 anticipation of need, the purpose must be specified in a
21 resolution of the county directing that the levy and the
22 proceeds of the tax may be used only for that purpose.
23 Until so used, the proceeds shall be retained in a separate
24 fund or invested in the same manner as surplus in a sinking
25 fund may be invested under Minnesota Statutes, Section
26 475.66. The right of condemnation shall be exercised in
27 accordance with Minnesota Statutes, Chapter 117. A
28 metropolitan county may acquire property for and operate a
29 solid waste disposal site or facility or resource recovery
30 facility within the boundaries of any city or town in the
31 metropolitan area, without complying with the provisions of
32 any zoning ordinance adopted after April 15, 1969 , and may

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1 use itself or sell all or any part of the solid waste
2 received by it, or energy generated therefrom in any form,
3 to private interests or public agencies for consumption or
4 reuse by them. Minnesota Statutes, Section 471.345 and Laws
5 1951, Chapter 556, as amended shall not apply to the sale of
6 usable materials, products or energy under this section
7 provided that the dealings of each county shall be on a
8 competitive basis so as not to create an unfair or
9 unreasonable advantage or restraint of trade on the part of
10 the county .

11 Subd. 2. Each metropolitan county may by resolution
12 authorize the issuance of bonds to provide funds for the
13 acquisition or betterment of property rights, buildings,
14 structures and equipment for a solid waste disposal or
15 resource recovery site or facility, or for refunding any
16 outstanding bonds issued for any such purpose, and may
17 pledge to the payment of such bonds and the interest
18 thereon, its full faith, credit and taxing powers, or the
19 proceeds of any designated tax levies, or the gross or net
20 revenues or charges to be derived from any such site or
21 facility operated by or for the county, or any combination
22 thereof. Taxes levied for the payment of such bonds and
23 interest shall not reduce the amounts of other taxes which
24 the county is authorized by law to levy. No election shall
25 be required to authorize the issuance of any such bonds.
26 Except as otherwise provided, such bonds shall be issued and
27 sold in accordance with the provisions of Minnesota
28 Statutes, Chapter 475.

29 Subd. 3. Each metropolitan county may operate and
30 maintain solid waste disposal and resource recovery sites
31 and facilities, and for this purpose may employ all
32 necessary personnel, may adopt regulations governing the

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1 operation thereof, may establish and collect reasonable,
2 non-discriminatory rates and charges for the use thereof by
3 any local government unit or person, estimated to be
4 sufficient, with any other moneys appropriated for such
5 purpose, to pay all costs of acquisition, operation and
6 maintenance thereof.

7 Subd. 4. Each metropolitan county may contract with
8 any person for the operation and maintenance by such person
9 of any solid waste disposal or resource recovery site or
10 facility owned by it. Such contract shall provide for the
11 operation and maintenance of such site or facility in
12 accordance with any regulations of the pollution control
13 agency, the metropolitan council and the county relating
14 thereto.

15 Subd. 5. Each metropolitan county may also adopt
16 ordinances governing the operation of solid waste haulers,
17 disposal sites, or facilities in the county by any local
18 government unit or person. The regulation shall not prevent
19 the hauling of solid waste from one county to another ,
20 except where necessary to implement a waste resource
21 district determined by the council under section 16 of this
22 act . Such ordinances shall be consistent with applicable
23 regulations adopted by the pollution control agency or the
24 metropolitan council , including provisions to enforce waste
25 resource districts established by the council under section
26 16 of this act . The county may prescribe a penalty for the
27 violation of any such ordinance not exceeding the maximum
28 which may be specified for a misdemeanor. Any such
29 ordinance enacted shall be published in accordance with the
30 provisions of Minnesota Statutes, Section 375.51. A
31 municipality within a metropolitan county may adopt either
32 the county ordinance by reference or a more strict ordinance

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1 than the county's to regulate solid waste haulers making
2 pickups within its boundaries. A hauler who qualified under
3 the ordinance of the municipality where he is making pickups
4 may transport solid waste on streets and highways in other
5 municipalities within the county without conforming to their
6 ordinances.

7 Subd. 5a. Each metropolitan county shall be
8 responsible for insuring that nonconforming solid waste
9 disposal and resource recovery sites and facilities are
10 terminated and abandoned in accordance with rules,
11 regulations and requirements of the pollution control
12 agency. Counties may provide by ordinance that operators or
13 owners or both of real property being used for solid waste
14 disposal or resource recovery purposes shall be responsible
15 to the county for satisfactorily performing such terminating
16 and abandonment procedures. Counties may further provide
17 that, in the event such operators or owners or both fail to
18 perform such termination and abandonment activities, costs
19 incurred by the county in completing the satisfactory
20 discharge of such termination and abandonment activities may
21 be levied against said operators or owners or both,
22 personally, or against any real or personal property
23 involved.

24 Subd. 6. Each metropolitan county may accept gifts,
25 may apply for and accept grants or loans of money or other
26 property from the United States, the state, the metropolitan
27 council, any local government unit, or any person, for solid
28 waste disposal and resource recovery purposes, may enter
29 into any agreement required in connection therewith, and may
30 hold, use, and dispose of such money or property in
31 accordance with the terms of the gift, grant, loan or
32 agreement relating thereto.

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1 Subd. 7. Each metropolitan county and local government
2 unit may act under the provisions of Minnesota Statutes,
3 Section 471.59 or any other appropriate law providing for
4 joint or cooperative action between government units, to
5 accomplish any purpose specified in sections 138 to 144.

6 Subd. 8. Each metropolitan county may sell or lease
7 any property rights, land, buildings, structures or
8 equipment previously used or acquired for solid waste
9 disposal or resource recovery purposes. Such property may
10 be sold in the manner provided by Minnesota Statutes,
11 Section 458.196. Each metropolitan county may convey to or
12 permit the use of any such property by a local government
13 unit, with or without compensation, without submitting the
14 matter to the voters of the county. No property rights or
15 land, improved or unimproved, acquired pursuant to this
16 section, may be disposed of in any manner unless and until
17 the county shall have submitted to the metropolitan council
18 for review and comment the terms on and the use for which
19 the property will be disposed of. The council shall review
20 and comment on the proposed disposition within 60 days after
21 it has received the data relating thereto from the county.

22 Subd. 9. All moneys received by any metropolitan
23 county from any source specified in sections 138 to 141
24 shall be paid into the county treasury, placed in a special
25 fund designated as the county solid waste disposal and
26 resource recovery fund, and used only for the purposes
27 authorized in those sections, as appropriated by the county
28 board, subject to any lawful restrictions, conditions, or
29 pledges applicable thereto.

30 Sec. 13. Laws 1975, Chapter 13, Section 142, is
31 amended to read:

32 Sec. 142. [473.815] [WASTE CONTROL COMMISSION;

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1 HAZARDOUS WASTE MANAGEMENT.] ~~Each metropolitan county~~ The
2 waste control commission may by ordinance establish and
3 revise rules, regulations, and standards for hazardous waste
4 management relating to (a) identification of hazardous
5 waste, (b) the labeling and classification of hazardous
6 waste, (c) the handling, collection, transportation and
7 storage of hazardous waste, (d) the ultimate disposal site
8 of the hazardous waste, and (e) other matters necessary for
9 the public health, welfare and safety. ~~The county~~
10 commission may issue permits or licenses for hazardous waste
11 generation and may require that generators be registered
12 ~~with a county office~~ the commission. ~~The ordinance~~ rules
13 and regulations may require payment by the generator of any
14 costs incurred by the ~~county~~ commission in completing such
15 procedures. If the generator fails to complete such
16 procedures, the ~~county~~ commission may recover the costs of
17 completion in a civil action in any court of competent
18 jurisdiction or, in the discretion of the ~~board~~ commission
19 , the costs may be certified to the county auditor of the
20 county in which the generator is located as a special tax
21 against the land. ~~The ordinance~~ rules and regulations may
22 be enforced by injunction, action to compel performance, or
23 other action in district court. ~~Any ordinance~~ rule or
24 regulation enacted under this section shall embody standards
25 and requirements established by rule of the pollution
26 control agency. Issuing, denying, modifying, imposing
27 conditions upon, or revoking permits pursuant to the
28 provisions of this section of regulations promulgated
29 hereunder, shall be subject to review, denial, suspension,
30 and reversal by the pollution control agency. The pollution
31 control agency shall after written notification have 15 days
32 to review, suspend, modify, or reverse the action of the

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1 county commission . After this period, the action of the
2 county-board waste control commission shall be final
3 subject to appeal to the district court as provided in
4 Minnesota Statutes, Section 115.05.

5 Sec. 14. Laws 1975, Chapter 13, is amended by adding a
6 section to read:

7 Sec. 142A. [473.817] [WASTE CONTROL COMMISSION POWERS
8 AND DUTIES.] Subdivision 1. For the purposes specified in
9 section 139, the commission is authorized to acquire,
10 construct, operate, and maintain resource recovery
11 facilities and hazardous waste disposal sites and facilities
12 within the metropolitan area, in accordance with its
13 development program and capital budget approved by the
14 council. For these purposes the commission may exercise all
15 powers conferred on it with respect to the metropolitan
16 disposal system by sections 79 and 86, and all powers
17 conferred on a metropolitan county by section 141 necessary
18 for the construction and operation of a resource recovery
19 facility or hazardous waste disposal sites and facilities.

20 Subd. 2. The commission may, with the approval of the
21 council, adopt rules and regulations governing the operation
22 of the commission's resource recovery facilities and
23 hazardous waste disposal sites and facilities and the form
24 and content of wastes delivered to them.

25 Subd. 3. The commission shall comply with and be
26 subject to the provisions of sections 13, 89, 90, 86,
27 subdivision 3, and 17, with respect to its activities under
28 subdivisions 1 and 2 of this section, and property acquired
29 by the commission for this purpose shall be subject to the
30 provisions of section 91.

31 Sec. 15. Laws 1975, Chapter 13, is amended by adding a
32 section to read:

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1 Sec. 142C. [473.819] [WASTE CONTROL COMMISSION
2 FINANCES.] Subdivision 1. The council may by resolution
3 authorize the issuance of general obligation bonds for the
4 acquisition or betterment of resource recovery facilities
5 and hazardous waste disposal sites and facilities by the
6 commission, for the payment of capitalized interest, for the
7 establishment of a reserve for bond payments, for working
8 capital, and for refunding outstanding bonds, certificates
9 of indebtedness or judgments. The council shall provide for
10 the issuance, sale, and security of the bonds in the manner
11 provided in Minnesota Statutes, Chapter 475, and shall have
12 the same powers and duties as a municipality issuing bonds
13 under that law, except that no election shall be required.
14 The council may also pledge for the payment of the bonds any
15 net revenues to be received by the commission from the
16 operation of resource recovery facilities, in excess of the
17 amount thereof needed to pay costs of operation,
18 maintenance, termination and abandonment of facilities, and
19 needed to pay costs of the commission incurred in performing
20 the planning and regulatory functions assigned to it under
21 sections 138 to 144. Any taxes required to be levied for
22 payment of the bonds and the interest thereon shall be
23 levied as provided in section 92.

24 Subd. 2. The council may issue certificates of
25 indebtedness in accordance with section 88 to provide the
26 commission with money needed to carry out its
27 responsibilities.

28 Sec. 16. Laws 1975, Chapter 13, is amended by adding a
29 section to read:

30 Sec. 142D. [473.820] [WASTE RESOURCE DISTRICTS.] The
31 council may, when reviewing a permit application under
32 section 144, designate a waste resource district for the

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1 particular resource recovery facility. The council may
2 designate a waste resource district only after an applicant
3 both requests and justifies the need for obtaining solid
4 waste from a specified area for a particular resource
5 recovery facility. The metropolitan council shall develop
6 criteria to evaluate requests for waste resource districts.
7 Consideration shall be given to safeguard the economic
8 interests of the private sector insofar as the interests
9 assure a sufficient supply of waste and acceptable disposal
10 costs over the useful life of the proposed facility. Before
11 establishing a waste resource district, the council shall
12 hold a public hearing at the time and place in the
13 metropolitan area it shall determine. Not less than 15 days
14 before the hearing, the council shall publish notice thereof
15 in a newspaper or newspapers of general circulation in the
16 metropolitan area, stating the date, time and place of
17 hearing, and the place where a description of the proposed
18 waste resource districts and permit application may be
19 examined by any interested person. At any hearing
20 interested persons shall be permitted to present their views
21 on the waste resource district, and the hearing may be
22 continued from time to time.

23 Sec. 17. Laws 1975, Chapter 13, Section 143, is
24 amended to read:

25 Sec. 143. [473.821] [RATES AND CHARGES.] On or before
26 July 1, 1969, and thereafter whenever appropriate, each
27 metropolitan county and local government unit and the waste
28 control commission shall submit to the metropolitan council
29 a schedule of rates and charges in effect or proposed for
30 the use of any solid or hazardous waste disposal site or
31 facility or resource recovery facility owned or operated by
32 or on its behalf, together with a statement of the basis for

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1 such charges. Each county or local government unit shall
2 use the schedule of rates and charges submitted by it until
3 it submits to the council a different schedule. So far as
4 practical, the rates and charges shall be established at
5 levels sufficient to pay all costs of operation,
6 administration, maintenance and debt services on the sites
7 and facilities. Each person who has applied to the
8 pollution control agency for a permit to commence or
9 continue the operation of a solid waste disposal site or
10 facility in the metropolitan area shall also submit to the
11 metropolitan council a schedule of rates and charges in
12 effect or proposed for the use of the solid waste disposal
13 site or facility, and shall notify the council of any
14 changes therein within ten days after such change is placed
15 in effect.

16 Sec. 18. Laws 1975, Chapter 13, Section 144, is
17 amended to read:

18 Sec. 144. [473.823] [POLLUTION CONTROL AGENCY,
19 REGULATIONS AND PERMITS.] Subdivision 1. The pollution
20 control agency, to abate or prevent pollution of air and
21 waters of the state in the metropolitan area, shall adopt
22 regulations relating to the location and operation of solid
23 waste disposal and resource recovery sites and facilities in
24 the metropolitan area. In adopting such regulations the
25 agency shall consider applicable air and water pollution
26 standards, land and water use, soil conditions, geography,
27 topography, ground water pollution, natural drainage,
28 prevailing weather conditions, the costs of acquisition and
29 operation of such sites and facilities, and any other
30 factors it may deem relevant. Such regulations shall be
31 adopted in accordance with Minnesota Statutes, Chapter 15.
32 Subd. 2. In the metropolitan area, no metropolitan

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1 county, local government unit , commission or person shall
2 commence operation and no metropolitan county, local
3 government unit , commission or person shall continue
4 operation of any solid waste disposal or resource recovery
5 site or facility, unless a permit for the operation thereof
6 has been issued by the pollution control agency, or unless
7 the site or facility is approved for temporary operation by
8 the pollution control agency prior to the issuance of a
9 permit.

10 Subd. 3. The pollution control agency may prescribe
11 permit and permit application forms, and may request
12 applicants to submit in writing all information deemed
13 relevant by the agency. The agency, or any employee or
14 agent thereof, when authorized by it, may examine any books,
15 papers, records or memoranda of the applicant pertaining to
16 its solid waste disposal or resource recovery site or
17 facility, and may enter on any property, public or private,
18 for the purpose of obtaining information, conducting surveys
19 or making investigations relative to the location or
20 operation of a solid waste disposal or resource recovery
21 site or facility. The agency may issue permits for the
22 operation of solid waste disposal and resource recovery
23 sites and facilities by any metropolitan county, local
24 government unit , commission or person where the operation
25 thereof is consistent with applicable regulations adopted by
26 the agency pursuant to subdivision 1, provided that no
27 permit may be issued for the operation of a solid waste
28 disposal or resource recovery site or facility in the
29 metropolitan area which is not in accordance with the
30 metropolitan council's comprehensive policy plan or interim
31 policy plan. No permit for the operation of a resource
32 recovery facility may be issued in the metropolitan area for

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1 a facility requiring public funds, public obligations, or
2 the establishment of waste resource districts, unless the
3 council finds that adequate markets exist for the materials
4 to be recycled without substantially reducing the supply of
5 solid waste available for existing resource recovery
6 operations and that all costs of operation, administration,
7 maintenance and debt service on the facility will be covered
8 by reasonable rates and charges for the use of the facility.
9 The metropolitan council shall determine whether a permit is
10 in accordance with its ~~comprehensive~~ interim policy plan or
11 policy plan. For this purpose the agency shall send a copy
12 of each permit application and any supporting information
13 furnished by the applicant to the metropolitan council
14 within 15 days after receipt of the application and all
15 other information requested from the applicant. Within 45
16 days after the application and supporting information are
17 received by the council, it shall issue to the agency in
18 writing its determination whether the permit is in
19 accordance with its ~~comprehensive~~ interim policy plan or
20 policy plan. If the council does not issue its
21 determination to the agency within the 45 day period, the
22 permit shall be deemed to be in accordance with the
23 council's ~~comprehensive~~ policy plan.

24 Subd. 4. Regulations adopted pursuant to subdivision 1
25 may be enforced by the pollution control agency in the
26 manner provided in Minnesota statutes, Section 115.47.

27 Subd. 4a. No permit may be issued for the operation of
28 a hazardous waste treatment or disposal site, system or
29 facility in the metropolitan area which does not comply with
30 the metropolitan council's ~~comprehensive~~ policy plan. A
31 copy of each permit application and any supporting
32 information furnished by the applicant shall be sent to the

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1 metropolitan council within 15 days after receipt of the
2 application and all other information requested from the
3 applicant. Within 45 days after the application and
4 supporting information are received by the council, it shall
5 issue to the pollution control agency in writing its
6 determination whether the permit complies with its
7 comprehensive policy plan. If the council does not issue
8 its determination to the agency within the 45 day period,
9 the permit shall be deemed to be in accordance with the
10 council's comprehensive policy plan.

11 Sec. 19. Unless the context indicates otherwise,
12 references to section numbers in this act refer to Laws
13 1975, Chapter 13.

14 Sec. 20. Laws 1975, Chapter 13, Section 140,
15 Subdivision 2, is repealed.

16 Sec. 21. This act is effective the day following final
17 enactment.

House
Companion
No.

DUPLICATE
FIRST ENGROSSMENT

S. F. NO. 1383

A bill for an act relating to metropolitan government; regulating solid waste; amending Laws 1975, Chapter 13, Sections 1, by adding subdivisions; 11, Subdivision 1; 139; 140, Subdivision 1; 141; 142; 143; and 144; and by adding sections; repealing Laws 1975, Chapter 13, Section 140, Subdivision 2.

B. D. No. B3357

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators Chenoweth for the Committee
on Metropolitan & Urban Affairs

★ Read FIRST TIME APR 7 1975 and Referred to the
Committee on Under the rules of the Senate, laid over one day
Committee Recommendation and Adoption of Report

★ Read SECOND TIME APR 10 1975
Committee of the Whole

AMENDED & PROGRESS APR 19 1975
To pass APR 21 1975

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference
committee action.

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S. F. No.

Printed Page No.

1383

Introduced by Chenoweth for the Committee on
Metropolitan and Urban Affairs.
Read First Time Apr. 7, 1975, and Under the Rules of
the Senate, laid over one day.
Read Second Time Apr. 10, 1975.
Committee of the Whole. Amended and Progressed Apr. 19, 1975.
Committee of the Whole. To Pass Apr. 21, 1975.

1 A bill for an act
2 relating to metropolitan government; regulating
3 solid waste; amending Laws 1975, Chapter 13,
4 Sections 1, by adding subdivisions; 11,
5 Subdivision 1; 139; 140, Subdivision 1; 141; 142;
6 143; and 144; and by adding sections; repealing
7 Laws 1975, Chapter 13, Section 140, Subdivision 2.
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
9 Section 1, Laws 1975, Chapter 13, Section 1, is
10 amended by adding a subdivision to read:
11 Subd. 29a. "Resource recovery facility" means a
12 facility to be used for the separation, processing or
13 preparation for sale of solid waste, or the conversion of
14 solid waste into usable materials, products or energy.
15 Sec. 2, Laws 1975, Chapter 13, Section 1, is amended
16 by adding a subdivision to read:
17 Subd. 29b. "Collection" means the aggregation of solid
18 waste from the place at which it is generated and includes
19 all activities up to the time the waste is delivered to a
20 solid waste disposal site or facility or resource recovery
21 facility.
22 Sec. 3, Laws 1975, Chapter 13, Section 1, is amended
23 by adding a subdivision to read:
24 Subd. 29c. "Waste resource district" or "district"

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1 means a geographic area determined by the council under
2 section 15 of this act in which all or a portion of the
3 solid waste collected must be transported to a designated
4 resource recovery facility.

5 Sec. 4. Laws 1975, Chapter 13, Section 1, is amended
6 by adding a subdivision to read:

7 Subd. 29d. "Hazardous waste disposal site or facility"
8 means all real or personal property which is or may be
9 needed or useful for the confinement, processing, or
10 disposal of hazardous waste generated primarily within the
11 metropolitan area.

12 Sec. 5. Laws 1975, Chapter 13, Section 139, is amended
13 to read:

14 Sec. 139. [473.802] [LEGISLATIVE PURPOSE AND POLICY.]
15 The legislature determines that for the protection of the
16 public health, safety, and welfare of the people of the
17 metropolitan area, for the prevention, control and abatement
18 of pollution of air and waters of the state in the
19 metropolitan area, and for the efficient and economic
20 collection and disposal of solid waste in the metropolitan
21 area and for the recovery of the resources contained in
22 solid waste, it is necessary to authorize the pollution
23 control agency to regulate the location and operation of
24 solid waste disposal and resource recovery sites and
25 facilities in the area; to authorize the metropolitan
26 council to carry on a continuous, long range program of
27 planning with respect to, and regulate the collection of
28 solid waste, the location and use of, solid waste disposal
29 and, where necessary under section 11, resource recovery
30 sites and facilities in the area; ~~and~~ to authorize the
31 ~~counties in the area~~ metropolitan counties to regulate the
32 collection of solid waste and, where necessary under section

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1 11, to acquire, construct, operate, maintain and regulate
2 solid waste disposal and resource recovery sites and
3 facilities in the area; and to authorize the commission
4 where necessary under section 11, to acquire, construct,
5 operate, maintain and regulate its resource recovery
6 facilities in the area. The legislature declares that a
7 public purpose is served by the recovery and utilization of
8 resources from solid waste where economically viable and
9 compatible with source reduction .

10 Sec. 6. Laws 1975, Chapter 13, Section 11, Subdivision
11 1, is amended to read:

12 Sec. 11. [473.149] [SOLID WASTE POLICY PLAN.]
13 Subdivision 1. The metropolitan council shall prepare and
14 ~~by resolution~~ adopt by January 1, 1977, a comprehensive
15 policy plan for the collection, disposal and resource
16 recovery of solid waste and the management and disposal of
17 hazardous waste in the metropolitan area ~~for such period as~~
18 ~~the council deems proper and reasonable~~ pursuant to section
19 9, subdivisions 1 and 2 ; and, when adopted, such plan shall
20 be followed in the metropolitan area. In developing the
21 plan the council shall consider the preservation and best
22 and most economical use of land and water resources in the
23 metropolitan area. The plan shall include a statement of
24 goals and policies for solid waste collection, disposal ,
25 resource recovery, and hazardous waste disposal and
26 management, criteria for solid waste disposal and resource
27 recovery sites and hazardous waste disposal sites, the
28 general location and capacities of needed disposal and
29 resource recovery sites and facilities, projections of
30 ~~disposal~~ capacities required, the criteria for setting the
31 general location of boundaries of waste resource districts
32 and the general character of collection services offered

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1 therein, regulations for the operation of disposal and
2 resource recovery sites and facilities, a description of
3 disposal and resource recovery techniques which may be used,
4 the type or types of solid waste and hazardous waste to be
5 disposed of or recovered at each site or facility, and such
6 other details as the council deems appropriate. Criteria
7 for solid waste disposal and resource recovery sites and
8 hazardous waste disposal sites, and regulations for the
9 operation of disposal sites and facilities, included in the
10 plan, shall be consistent with regulations adopted by the
11 pollution control agency pursuant to section 144 and
12 Minnesota Statutes, Section 116.06. ~~The plan may be revised~~
13 ~~as often as the council deems necessary in the same manner~~
14 ~~as provided for the adoption thereof.~~ A copy of the
15 comprehensive policy plan and each revision thereof shall
16 be delivered or mailed to the pollution control agency, the
17 metropolitan waste control commission and the county auditor
18 of each metropolitan county after it has been adopted. The
19 council shall adopt by September 1, 1975, an interim policy
20 plan for resource recovery facilities which shall be
21 followed until the policy plan is adopted. The
22 comprehensive plan for solid and hazardous waste in
23 existence at the time of the passage of this act shall
24 remain in effect until the policy plan is adopted. Prior to
25 the adoption by the council of its ~~comprehensive~~ interim
26 policy plan, no metropolitan county commission, person or
27 local government unit shall acquire, construct or commence
28 operation of any solid waste disposal site or hazardous
29 waste disposal site, or facility or resource recovery
30 facility unless approved by the council, ~~and~~. After the
31 ~~comprehensive~~ policy plan is adopted no metropolitan
32 county, local government unit, commission or person shall

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1 acquire, improve or operate any solid waste disposal or
2 resource recovery site or facility or hazardous waste
3 disposal site or facility in the metropolitan area except in
4 accordance with the plan, provided that no solid waste
5 disposal or resource recovery site or hazardous waste
6 disposal site or facility in use when the ~~comprehensive~~
7 policy plan is adopted shall be discontinued solely because
8 it is not located in an area designated in the plan as
9 acceptable for the location of such sites and facilities.

10 Sec. 7. Laws 1975, Chapter 13, is amended by adding a
11 section to read:

12 Sec. 139A. [473.804] [ADVISORY COMMITTEE.] The council
13 shall establish an advisory committee to aid in the
14 preparation of the interim policy plan and the policy plan
15 under section 11, the review of development programs under
16 sections 8 of this act and 140, and the other duties
17 determined by the council. The committee shall consist of
18 one-third citizen representatives, one-third representatives
19 from the waste control commission, municipalities and
20 metropolitan counties, and one-third representatives from
21 private waste management firms. A representative from the
22 pollution control agency and the Minnesota health department
23 shall serve as ex-officio members of the committee.

24 Sec. 8. Laws 1975, Chapter 13, is amended by adding a
25 section to read:

26 Sec. 139B. [473.805] [RESOURCE RECOVERY DEVELOPMENT
27 PROGRAM.] Subdivision 1. The metropolitan waste control
28 commission shall prepare and submit in the manner provided
29 in and satisfying the requirements of section 12, a
30 development program to implement the resource recovery and
31 hazardous waste disposal and management portions of the
32 policy plan adopted by the council that the commission plans

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1 to implement. The program may include specific boundaries
2 of proposed waste resource districts. The waste control
3 commission shall submit an interim development program to
4 the council by February 1, 1976.

5 Sec. 9. Laws 1975, Chapter 13, Section 140,
6 Subdivision 1, is amended to read:

7 Sec. 140. [473.806] [METROPOLITAN COUNTIES;
8 DEVELOPMENT PROGRAM.] Subdivision 1. Each metropolitan
9 county, upon receipt of the council's ~~comprehensive~~ policy
10 plan, shall prepare and submit to the council for its
11 approval, a ~~report~~ development program for disposal of
12 solid waste, resource recovery and collection regulation
13 including: a description of any solid waste disposal or
14 resource recovery site or facility which the county owns or
15 plans to acquire to implement the ~~comprehensive~~ policy
16 plan; the planned method, estimated cost and time of
17 acquisition thereof; a description of any improvements which
18 will be necessary to make the site or facility suitable for
19 solid waste disposal or resource recovery ; proposed
20 procedures for the operation and maintenance of any such
21 site or facility; an estimate of the annual cost of
22 operation and maintenance of each site or facility; an
23 estimate of the annual gross revenues which will be received
24 from the operation of each site or facility; and a proposal
25 for the use of each site when filled. In addition, the
26 program shall indicate the volume of solid waste which will
27 be delivered on a monthly basis to each resource recovery
28 facility, as well as any minimum waste requirements needed
29 for the operation of any resource recovery facility. The
30 program may include proposed waste resource districts. The
31 program shall, where practicable, encourage ownership and
32 operation by private industry. The ~~report~~ program shall

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1 also include a complete survey of existing or proposed
2 municipal or private solid waste disposal sites and
3 facilities and resource recovery facilities in the county
4 containing information similar to that required for county
5 facilities, and a statement of the extent to which they will
6 or may be used to implement the ~~comprehensive~~ policy plan.
7 The program shall include a description of solid waste and
8 hazardous waste collection procedures or systems used or
9 planned for use within the county, including but not limited
10 to a list of the authorized haulers; public revenues,
11 expenditures, contracts and rates; volume and general
12 categories of waste hauled, origin and destination points
13 whether inside or outside the unit, and routes. Each person
14 having a permit issued by a local government unit within the
15 county or the pollution control agency for the collection of
16 solid waste or hazardous waste, shall make such information
17 available to the county. The data collected shall only be
18 released to the public in aggregate amounts indicating the
19 general character of the waste collection system.

20 The council shall approve the ~~report~~ program if it is
21 in accordance with its ~~comprehensive~~ policy plan. The
22 ~~report~~ program, when approved by the council, shall be
23 implemented by the county. Each report not approved by the
24 council shall be returned to the county with a statement of
25 the reasons for the council's failure to approve it and a
26 conforming program shall be submitted for review to the
27 council. The council may indicate additional private
28 industry proposals which must be considered by the county.
29 The solid waste disposal report in effect upon the date of
30 enactment of this act shall remain in effect until the
31 development program is adopted. Each metropolitan county
32 shall submit an interim development program to the council

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1 by February 1, 1976, describing resource recovery facilities
2 in the county, if any, which the county or a private
3 corporation intends to acquire or construct in order to
4 implement the policy plan of the council .

5 Sec. 10. Laws 1975, Chapter 13, is amended by adding a
6 section to read:

7 Sec. 140A. [473.807] [PRIVATE OR PUBLIC RESOURCE
8 RECOVERY PROPOSALS.] Any person or governmental unit may
9 submit to the metropolitan council by February 1, 1976, a
10 proposal to implement all or a portion of the resource
11 recovery elements of the council's policy plan. The
12 proposal shall include the information needed to meet the
13 requirements of the interim policy plan of the council.

14 Sec. 11. Laws 1975, Chapter 13, Section 141, is
15 amended to read:

16 Subdivision 1. To accomplish the purpose specified in
17 section 140, each metropolitan county may acquire by
18 purchase, lease, gift or condemnation as provided by law,
19 upon such terms and conditions as it shall determine,
20 including contracts for deed and conditional sales
21 contracts, solid waste disposal sites or facilities and
22 resource recovery facilities which are in accordance with
23 regulations adopted by the agency, the ~~comprehensive~~ policy
24 plan adopted by the council and the county-report
25 development program as approved by the council, ~~and~~ may
26 improve or construct improvements on any site or to any
27 facility so acquired and negotiate contracts for the use of
28 public or private facilities where the same are adequate and
29 available for the intended function and are competitive with
30 other means of providing the same services . Each
31 metropolitan county is authorized to levy a tax in
32 anticipation of need for expenditure for the acquisition and

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1 betterment of solid waste disposal sites or facilities and
2 resource recovery facilities . If such a tax is levied in
3 anticipation of need, the purpose must be specified in a
4 resolution of the county directing that the levy and the
5 proceeds of the tax may be used only for that purpose.
6 Until so used, the proceeds shall be retained in a separate
7 fund or invested in the same manner as surplus in a sinking
8 fund may be invested under Minnesota Statutes, Section
9 475.66. The right of condemnation shall be exercised in
10 accordance with Minnesota Statutes, Chapter 117. A
11 metropolitan county may acquire property for and operate a
12 solid waste disposal site or facility or resource recovery
13 facility within the boundaries of any city or town in the
14 metropolitan area, without complying with the provisions of
15 any zoning ordinance adopted after April 15, 1969 , and may
16 use itself or sell all or any part of the solid waste
17 received by it, or energy generated therefrom in any form,
18 to private interests or public agencies for consumption or
19 reuse by them. Minnesota Statutes, Section 471.345 and Laws
20 1951, Chapter 556, as amended shall not apply to the sale of
21 usable materials, products or energy under this section
22 provided that the dealings of each county shall be on a
23 competitive basis so as not to create an unfair or
24 unreasonable advantage or restraint of trade on the part of
25 the county .

26 Subd. 2. Each metropolitan county may by resolution
27 authorize the issuance of bonds to provide funds for the
28 acquisition or betterment of property rights, buildings,
29 structures and equipment for a solid waste disposal or
30 resource recovery site or facility, or for refunding any
31 outstanding bonds issued for any such purpose, and may
32 pledge to the payment of such bonds and the interest

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1 thereon, its full faith, credit and taxing powers, or the
2 proceeds of any designated tax levies, or the gross or net
3 revenues or charges to be derived from any such site or
4 facility operated by or for the county, or any combination
5 thereof. Taxes levied for the payment of such bonds and
6 interest shall not reduce the amounts of other taxes which
7 the county is authorized by law to levy. No election shall
8 be required to authorize the issuance of any such bonds.
9 Except as otherwise provided, such bonds shall be issued and
10 sold in accordance with the provisions of Minnesota
11 Statutes, Chapter 475.

12 Subd. 3. Each metropolitan county may operate and
13 maintain solid waste disposal and resource recovery sites
14 and facilities, and for this purpose may employ all
15 necessary personnel, may adopt regulations governing the
16 operation thereof, may establish and collect reasonable,
17 non-discriminatory rates and charges for the use thereof by
18 any local government unit or person, estimated to be
19 sufficient, with any other moneys appropriated for such
20 purpose, to pay all costs of acquisition, operation and
21 maintenance thereof.

22 Subd. 4. Each metropolitan county may contract with
23 any person for the operation and maintenance by such person
24 of any solid waste disposal or resource recovery site or
25 facility owned by it. Such contract shall provide for the
26 operation and maintenance of such site or facility in
27 accordance with any regulations of the pollution control
28 agency, the metropolitan council and the county relating
29 thereto.

30 Subd. 5. Each metropolitan county may also adopt
31 ordinances governing the operation of solid waste haulers,
32 disposal sites, or facilities in the county by any local

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1 government unit or person. The regulation shall not prevent
2 the hauling of solid waste from one county to another ,
3 except where necessary to implement a waste resource
4 district determined by the council under section 15 of this
5 act . Such ordinances shall be consistent with applicable
6 regulations adopted by the pollution control agency or the
7 metropolitan council , including provisions to enforce waste
8 resource districts established by the council under section
9 15 of this act . The county may prescribe a penalty for the
10 violation of any such ordinance not exceeding the maximum
11 which may be specified for a misdemeanor. Any such
12 ordinance enacted shall be published in accordance with the
13 provisions of Minnesota Statutes, Section 375.51. A
14 municipality within a metropolitan county may adopt either
15 the county ordinance by reference or a more strict ordinance
16 than the county's to regulate solid waste haulers making
17 pickups within its boundaries. A hauler who qualified under
18 the ordinance of the municipality where he is making pickups
19 may transport solid waste on streets and highways in other
20 municipalities within the county without conforming to their
21 ordinances.

22 Subd. 5a. Each metropolitan county shall be
23 responsible for insuring that nonconforming solid waste
24 disposal and resource recovery sites and facilities are
25 terminated and abandoned in accordance with rules,
26 regulations and requirements of the pollution control
27 agency. Counties may provide by ordinance that operators or
28 owners or both of real property being used for solid waste
29 disposal or resource recovery purposes shall be responsible
30 to the county for satisfactorily performing such terminating
31 and abandonment procedures. Counties may further provide
32 that, in the event such operators or owners or both fail to

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1 perform such termination and abandonment activities, costs
2 incurred by the county in completing the satisfactory
3 discharge of such termination and abandonment activities may
4 be levied against said operators or owners or both,
5 personally, or against any real or personal property
6 involved.

7 Subd. 6. Each metropolitan county may accept gifts,
8 may apply for and accept grants or loans of money or other
9 property from the United States, the state, the metropolitan
10 council, any local government unit, or any person, for solid
11 waste disposal and resource recovery purposes, may enter
12 into any agreement required in connection therewith, and may
13 hold, use, and dispose of such money or property in
14 accordance with the terms of the gift, grant, loan or
15 agreement relating thereto.

16 Subd. 7. Each metropolitan county and local government
17 unit may act under the provisions of Minnesota Statutes,
18 Section 471.59 or any other appropriate law providing for
19 joint or cooperative action between government units, to
20 accomplish any purpose specified in sections 138 to 144.

21 Subd. 8. Each metropolitan county may sell or lease
22 any property rights, land, buildings, structures or
23 equipment previously used or acquired for solid waste
24 disposal or resource recovery purposes. Such property may
25 be sold in the manner provided by Minnesota Statutes,
26 Section 458.196. Each metropolitan county may convey to or
27 permit the use of any such property by a local government
28 unit, with or without compensation, without submitting the
29 matter to the voters of the county. No property rights or
30 land, improved or unimproved, acquired pursuant to this
31 section, may be disposed of in any manner unless and until
32 the county shall have submitted to the metropolitan council

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1 for review and comment the terms on and the use for which
2 the property will be disposed of. The council shall review
3 and comment on the proposed disposition within 60 days after
4 it has received the data relating thereto from the county.

5 Subd. 9. All moneys received by any metropolitan
6 county from any source specified in sections 138 to 141
7 shall be paid into the county treasury, placed in a special
8 fund designated as the county solid waste disposal and
9 resource recovery fund, and used only for the purposes
10 authorized in those sections, as appropriated by the county
11 board, subject to any lawful restrictions, conditions, or
12 pledges applicable thereto.

13 Sec. 12. Laws 1975, Chapter 13, Section 142, is
14 amended to read:

15 Sec. 142. [473.815] [WASTE CONTROL COMMISSION;
16 HAZARDOUS WASTE MANAGEMENT.] ~~Each metropolitan county~~ The
17 waste control commission ~~may by ordinance~~ establish and
18 revise rules, regulations, and standards for hazardous waste
19 management relating to (a) identification of hazardous
20 waste, (b) the labeling and classification of hazardous
21 waste, (c) the handling, collection, transportation and
22 storage of hazardous waste, (d) the ultimate disposal site
23 of the hazardous waste, and (e) other matters necessary for
24 the public health, welfare and safety. ~~The county~~
25 commission may issue permits or licenses for hazardous waste
26 generation and may require that generators be registered
27 ~~with a county office~~ the commission. ~~The ordinance~~ rules
28 and regulations may require payment by the generator of any
29 costs incurred by ~~the county~~ commission in completing such
30 procedures. If the generator fails to complete such
31 procedures, ~~the county~~ commission may recover the costs of
32 completion in a civil action in any court of competent

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1 jurisdiction or, in the discretion of the ~~board~~ commission
2 , the costs may be certified to the county auditor of the
3 county in which the generator is located as a special tax
4 against the land. The ~~ordinance~~ rules and regulations may
5 be enforced by injunction, action to compel performance, or
6 other action in district court. Any ~~ordinance~~ rule or
7 regulation enacted under this section shall embody standards
8 and requirements established by rule of the pollution
9 control agency. Issuing, denying, modifying, imposing
10 conditions upon, or revoking permits pursuant to the
11 provisions of this section of regulations promulgated
12 hereunder, shall be subject to review, denial, suspension,
13 and reversal by the pollution control agency. The pollution
14 control agency shall after written notification have 15 days
15 to review, suspend, modify, or reverse the action of the
16 county commission . After this period, the action of the
17 county ~~board~~ waste control commission shall be final
18 subject to appeal to the district court as provided in
19 Minnesota Statutes, Section 115.05.

20 Sec. 13. Laws 1975, Chapter 13, is amended by adding a
21 section to read:

22 Sec. 142A. [473.817] [WASTE CONTROL COMMISSION POWERS
23 AND DUTIES.] Subdivision 1. For the purposes specified in
24 section 139, the commission is authorized to acquire,
25 construct, operate, and maintain resource recovery
26 facilities and hazardous waste disposal sites and facilities
27 within the metropolitan area, in accordance with its
28 development program and capital budget approved by the
29 council. For these purposes the commission may exercise all
30 powers conferred on it with respect to the metropolitan
31 disposal system by sections 79 and 86, and all powers
32 conferred on a metropolitan county by section 141 necessary

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1 for the construction and operation of a resource recovery
2 facility or hazardous waste disposal sites and facilities.

3 Subd. 2. The commission may, with the approval of the
4 council, adopt rules and regulations governing the operation
5 of the commission's resource recovery facilities and
6 hazardous waste disposal sites and facilities and the form
7 and content of wastes delivered to them.

8 Subd. 3. The commission shall comply with and be
9 subject to the provisions of sections 13, 89, 90, 86,
10 subdivision 3, and 17, with respect to its activities under
11 subdivisions 1 and 2 of this section, and property acquired
12 by the commission for this purpose shall be subject to the
13 provisions of section 91.

14 Sec. 14. Laws 1975, Chapter 13, is amended by adding a
15 section to read:

16 Sec. 142C. [473.819] [WASTE CONTROL COMMISSION
17 FINANCES.] subdivision 1. The council may by resolution
18 authorize the issuance of general obligation bonds for the
19 acquisition or betterment of resource recovery facilities
20 and hazardous waste disposal sites and facilities by the
21 commission, for the payment of capitalized interest, for the
22 establishment of a reserve for bond payments, for working
23 capital, and for refunding outstanding bonds, certificates
24 of indebtedness or judgments. The council shall provide for
25 the issuance, sale, and security of the bonds in the manner
26 provided in Minnesota Statutes, Chapter 475, and shall have
27 the same powers and duties as a municipality issuing bonds
28 under that law, except that no election shall be required.
29 The council may also pledge for the payment of the bonds any
30 net revenues to be received by the commission from the
31 operation of resource recovery facilities, in excess of the
32 amount thereof needed to pay costs of operation,

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1 maintenance, termination and abandonment of facilities, and
2 needed to pay costs of the commission incurred in performing
3 the planning and regulatory functions assigned to it under
4 sections 138 to 144. Any taxes required to be levied for
5 payment of the bonds and the interest thereon shall be
6 levied as provided in section 92.

7 Subd. 2. The council may issue certificates of
8 indebtedness in accordance with section 88 to provide the
9 commission with money needed to carry out its
10 responsibilities.

11 Sec. 15. Laws 1975, Chapter 13, is amended by adding a
12 section to read:

13 Sec. 142D. [473.820] [WASTE RESOURCE DISTRICTS.] The
14 council may, when reviewing a permit application under
15 section 144, designate a waste resource district for the
16 particular resource recovery facility. The council may
17 designate a waste resource district only after an applicant
18 both requests and justifies the need for obtaining solid
19 waste from a specified area for a particular resource
20 recovery facility. The metropolitan council shall develop
21 criteria to evaluate requests for waste resource districts.
22 Consideration shall be given to safeguard the economic
23 interests of the private sector insofar as the interests
24 assure a sufficient supply of waste and acceptable disposal
25 costs over the useful life of the proposed facility. Before
26 establishing a waste resource district, the council shall
27 hold a public hearing at the time and place in the
28 metropolitan area it shall determine. Not less than 15 days
29 before the hearing, the council shall publish notice thereof
30 in a newspaper or newspapers of general circulation in the
31 metropolitan area, stating the date, time and place of
32 hearing, and the place where a description of the proposed

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1 waste resource districts and permit application may be
2 examined by any interested person. At any hearing
3 interested persons shall be permitted to present their views
4 on the waste resource district, and the hearing may be
5 continued from time to time.

6 Sec. 16. Laws 1975, Chapter 13, Section 143, is
7 amended to read:

8 Sec. 143. [473.821] [RATES AND CHARGES.] On or before
9 July 1, 1969, and thereafter whenever appropriate, each
10 metropolitan county and local government unit and the waste
11 control commission shall submit to the metropolitan council
12 a schedule of rates and charges in effect or proposed for
13 the use of any solid or hazardous waste disposal site or
14 facility or resource recovery facility owned or operated by
15 or on its behalf, together with a statement of the basis for
16 such charges. Each county or local government unit shall
17 use the schedule of rates and charges submitted by it until
18 it submits to the council a different schedule. So far as
19 practical, the rates and charges shall be established at
20 levels sufficient to pay all costs of operation,
21 administration, maintenance and debt services on the sites
22 and facilities. Each person who has applied to the
23 pollution control agency for a permit to commence or
24 continue the operation of a solid waste disposal site or
25 facility in the metropolitan area shall also submit to the
26 metropolitan council a schedule of rates and charges in
27 effect or proposed for the use of the solid waste disposal
28 site or facility, and shall notify the council of any
29 changes therein within ten days after such change is placed
30 in effect.

31 Sec. 17. Laws 1975, Chapter 13, Section 144, is
32 amended to read:

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1 Sec. 144. [473.823] [POLLUTION CONTROL AGENCY,
2 REGULATIONS AND PERMITS.] Subdivision 1. The pollution
3 control agency, to abate or prevent pollution of air and
4 waters of the state in the metropolitan area, shall adopt
5 regulations relating to the location and operation of solid
6 waste disposal and resource recovery sites and facilities in
7 the metropolitan area. In adopting such regulations the
8 agency shall consider applicable air and water pollution
9 standards, land and water use, soil conditions, geography,
10 topography, ground water pollution, natural drainage,
11 prevailing weather conditions, the costs of acquisition and
12 operation of such sites and facilities, and any other
13 factors it may deem relevant. Such regulations shall be
14 adopted in accordance with Minnesota Statutes, Chapter 15.

15 Subd. 2. In the metropolitan area, no metropolitan
16 county, local government unit, commission or person shall
17 commence operation and no metropolitan county, local
18 government unit, commission or person shall continue
19 operation of any solid waste disposal or resource recovery
20 site or facility, unless a permit for the operation thereof
21 has been issued by the pollution control agency, or unless
22 the site or facility is approved for temporary operation by
23 the pollution control agency prior to the issuance of a
24 permit.

25 Subd. 3. The pollution control agency may prescribe
26 permit and permit application forms, and may request
27 applicants to submit in writing all information deemed
28 relevant by the agency. The agency, or any employee or
29 agent thereof, when authorized by it, may examine any books,
30 papers, records or memoranda of the applicant pertaining to
31 its solid waste disposal or resource recovery site or
32 facility, and may enter on any property, public or private,

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1 for the purpose of obtaining information, conducting surveys
2 or making investigations relative to the location or
3 operation of a solid waste disposal or resource recovery
4 site or facility. The agency may issue permits for the
5 operation of solid waste disposal and resource recovery
6 sites and facilities by any metropolitan county, local
7 government unit, commission or person where the operation
8 thereof is consistent with applicable regulations adopted by
9 the agency pursuant to subdivision 1, provided that no
10 permit may be issued for the operation of a solid waste
11 disposal or resource recovery site or facility in the
12 metropolitan area which is not in accordance with the
13 metropolitan council's ~~comprehensive~~ policy plan or interim
14 policy plan. No permit for the operation of a resource
15 recovery facility may be issued in the metropolitan area for
16 a facility requiring public funds, public obligations, or
17 the establishment of waste resource districts, unless the
18 council finds that adequate markets exist for the materials
19 to be recycled without substantially reducing the supply of
20 solid waste available for existing resource recovery
21 operations and that all costs of operation, administration,
22 maintenance and debt service on the facility will be covered
23 by reasonable rates and charges for the use of the facility.
24 The metropolitan council shall determine whether a permit is
25 in accordance with its ~~comprehensive~~ interim policy plan or
26 policy plan. For this purpose the agency shall send a copy
27 of each permit application and any supporting information
28 furnished by the applicant to the metropolitan council
29 within 15 days after receipt of the application and all
30 other information requested from the applicant. Within 45
31 days after the application and supporting information are
32 received by the council, it shall issue to the agency in

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1 writing its determination whether the permit is in
2 accordance with its ~~comprehensive~~ interim policy plan or
3 policy plan. If the council does not issue its
4 determination to the agency within the 45 day period, the
5 permit shall be deemed to be in accordance with the
6 council's ~~comprehensive~~ policy plan.

7 Subd. 4. Regulations adopted pursuant to subdivision 1
8 may be enforced by the pollution control agency in the
9 manner provided in Minnesota Statutes, Section 115.47.

10 Subd. 4a. No permit may be issued for the operation of
11 a hazardous waste treatment or disposal site, system or
12 facility in the metropolitan area which does not comply with
13 the metropolitan council's ~~comprehensive~~ policy plan. A
14 copy of each permit application and any supporting
15 information furnished by the applicant shall be sent to the
16 metropolitan council within 15 days after receipt of the
17 application and all other information requested from the
18 applicant. Within 45 days after the application and
19 supporting information are received by the council, it shall
20 issue to the pollution control agency in writing its
21 determination whether the permit complies with its
22 comprehensive policy plan. If the council does not issue
23 its determination to the agency within the 45 day period,
24 the permit shall be deemed to be in accordance with the
25 council's ~~comprehensive~~ policy plan.

26 Sec. 18. Laws 1975, Chapter 13, is amended by adding a
27 section to read:

28 Sec. 144A. [473.825] (LEVY.) For the purposes of
29 section 8 of this act, the metropolitan council may levy for
30 the waste control commission upon all taxable property in
31 the metropolitan area, without affecting the amount or rate
32 of taxes which may be levied by the council for other

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1 purposes or by any local government in the area, a tax in
2 1975, payable in 1976, not to exceed .05 mills. The levy
3 shall be extended and collected in the manner provided in
4 section 92.

5 Sec. 19. Unless the context indicates otherwise,
6 references to section numbers in this act refer to Laws
7 1975, Chapter 13.

8 Sec. 20. Laws 1975, Chapter 13, Section 140,
9 Subdivision 2, is repealed.

10 Sec. 21. This act is effective the day following final
11 enactment.

House
Companion
No.

DUPLICATE
SECOND ENGROSSMENT

S. F. NO. 1383

A bill for an act relating to metropolitan government; regulating waste; providing for a levy; amending Minnesota Statutes 1974, Chapter 473, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 473.121, Subdivisions 27, 29, 31, and by adding subdivisions; 473.149, Subdivision 1, and by adding subdivisions; 473.249, Subdivision 1; etc.; repealing Minnesota Statutes, 1975 Supplement, Sections 473.121, Subdivision 30; 473.149, Subdivision 2; 473.815; and 473.821.

B. D. No. B3357

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators Chenoweth for the Committee
on Metropolitan & Urban Affairs

★ Read FIRST TIME APR 7 1975 and Referred to the
Committee on Under the rules of the Senate, laid over one day
Committee Recommendation and Adoption of Report

★ Read SECOND TIME APR 10 1975
Committee of the Whole
AMENDED & PROGRESS APR 19 1975
To pass APR 21 1975

★ Read THIRD TIME APR 23 1975
Passed by the Senate APR 23 1975
Transmitted to the House APR 23 1975

Patrick E. Flahaven
Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. 1689

★ Read FIRST TIME APR 23 1975 and Referred to the
Committee on LOCAL AND URBAN AFFAIRS
Committee Recommendation and Adoption of Report TO PASS AS AMENDED
FEB 25 1976

★ Read SECOND TIME FEB 25 1976
Committee of the Whole PROGRESS FEB 27 1976
TO PASS AS AMENDED MAR 8 1976

★ Read THIRD TIME MAR 9 1976
Passed by the House MAR 9 1976
Returned to the Senate MAR 9 1976

Edward A. Burdick
Chief Clerk, House of Representatives
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference
committee action.

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S. F.

No.

Printed Page No.

CONFERENCE COMMITTEE ACTION

OTHER ACTION

SENATE
Date **MAR 12 1976**

The Senate refused to concur in House amendments to S. F. No. **1383** and requested a Conference Committee of **3** members on the part of the Senate as a Conference Committee to confer with a like committee on the part of the House.

MAR 17 1976

SENATE CONFEREES

CHENOWETH

KIRCHNER

NORTH

Patrick E. Flahaven

Secretary of the Senate

Date **MAR 26 1976**

The Senate adopted the recommendation and report of the Conference Committee on S. F. No. **1383** and repassed said bill in accordance with the report of the Committee so adopted.

Patrick E. Flahaven

Secretary of the Senate

HOUSE
Date **MAR 17 1976**

The House has acceded to the request of the Senate for the appointment of a Conference Committee on S. F. No. **1383** consisting of **3** members to confer with a like Committee of the Senate.

HOUSE CONFEREES

Casserly

Berg

Schreiber

Edward A. Burdick

Chief Clerk, House of Representatives

Date **MAR 29 1976**

The House adopted the recommendation and report of the Conference Committee on S. F. No. **1383** and repassed said bill in accordance with the report of the Committee so adopted.

Edward A. Burdick

Chief Clerk, House of Representatives

FEB 25 1976

Unofficially engrossed and printed for the House to include committee amendments of February 25, 1976.

OTHER ACTION

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A bill for an act

1
2 relating to metropolitan government; regulating
3 waste; providing for a levy; amending Minnesota
4 Statutes 1974, Chapter 473, by adding sections;
5 and Minnesota Statutes, 1975 Supplement, Sections
6 473.121, Subdivisions 27, 29, 31, and by adding
7 subdivisions; 473.149, Subdivision 1, and by
8 adding subdivisions; 473.249, Subdivision 1;
9 473.801, Subdivision 2, and by adding a
10 subdivision; 473.802; 473.803; 473.811; and
11 473.823; repealing Minnesota Statutes, 1975
12 Supplement, Sections 473.121, Subdivision 30;
13 473.149, Subdivision 2; 473.815; and 473.821.

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

15 Section 1. Minnesota Statutes, 1975 Supplement,

16 Section 473.121, Subdivision 27, is amended to read:

17 Subd. 27. "Solid waste" means garbage, refuse and
18 other discarded solid materials, including solid waste
19 materials and waste sludges resulting from industrial,
20 commercial and agricultural operations, and from community
21 activities, but does not include hazardous waste, animal
22 waste used as fertilizer, earthen fill, boulders, broken
23 rock, solids or dissolved material in domestic sewage or
24 other significant pollutants in water resources, such as
25 silt, dissolved or suspended solids in industrial waste
26 water effluents, dissolved materials in irrigation return
27 flows or other common water pollutants. Nothing in this

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1 definition shall be construed so as to exclude hazardous
2 waste from the definition of solid waste for the purposes of
3 chapter 116 or 116F.

4 Sec. 2. Minnesota Statutes, 1975 Supplement, Section
5 473.121, Subdivision 29, is amended to read:

6 Subd. 29. "~~Solid Waste disposal site or~~ facility"
7 means ~~transfer stations and~~ all property, real or personal,
8 including negative and positive easements and water and air
9 rights, which is or may be needed or useful for the ~~disposal~~
10 processing of solid or hazardous waste, except property for
11 the collection of ~~solid~~ the waste directly from the source
12 of generation and facilities used primarily for the
13 manufacture of scrap metal or paper. Waste facility
14 includes but is not limited to transfer stations, disposal
15 sites and facilities, and resource recovery sites and
16 facilities.

17 Sec. 3. Minnesota Statutes, 1975 Supplement, Section
18 473.121, Subdivision 31, is amended to read:

19 Subd. 31. "Transfer station" means an intermediate
20 ~~solid waste disposal~~ facility in which solid or hazardous
21 waste collected from any source is temporarily deposited to
22 await transportation to the final disposal site or facility.

23 Sec. 4. Minnesota Statutes, 1975 Supplement, Section
24 473.121, is amended by adding a subdivision to read:

25 Subd. 31a. "Collection" when referring to solid or
26 hazardous waste means the aggregation of solid or hazardous
27 waste from the place at which it is generated and includes
28 all activities up to the time the waste is delivered to a
29 waste facility.

30 Sec. 5. Minnesota Statutes, 1975 Supplement, Section
31 473.121, is amended by adding a subdivision to read:

32 Subd. 31b. "Processing" when referring to solid or

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1 hazardous waste means the treatment of solid or hazardous
2 waste after collection, and includes all activities after
3 the time the waste is delivered to a waste facility.
4 Processing includes but is not limited to disposal, storage,
5 containment, separation, exchange, resource recovery,
6 physical or chemical modification, and transfer from one
7 waste facility to another.

8 Sec. 6. Minnesota Statutes, 1975 Supplement, Section
9 473.121, is amended by adding a subdivision to read:

10 Subd. 31c. "Resource recovery" means the reclamation
11 for sale or reuse of materials, substances, energy, or other
12 products contained within or derived from solid or hazardous
13 waste.

14 Sec. 7. Minnesota Statutes, 1975 Supplement, Section
15 473.149, Subdivision 1, is amended to read:

16 473.149 [SOLID AND HAZARDOUS WASTE POLICY PLAN.]
17 Subdivision 1. By July 1, 1978, the metropolitan council
18 shall prepare and by resolution adopt as part of its
19 development guide a-comprehensive long range policy plan
20 for the-disposal collection and processing of solid-waste
21 and-the-management-and-disposal-of hazardous waste in the
22 metropolitan area-for such period as the council deems
23 proper and reasonable; and, . When adopted, such the plan
24 shall be followed in the metropolitan area. The plan shall
25 substantially conform to all policy statements, purposes,
26 goals, standards, maps and plans in development guide
27 sections and plans adopted by the council. The plan shall
28 include goals and policies for the collection and processing
29 of solid and hazardous waste in the metropolitan area and,
30 to the extent appropriate, statements and information
31 similar to that required under section 473.146, subdivision
32 1. The plan shall include criteria and standards for waste

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1 facilities and waste facility sites respecting the following
2 matters: general location; capacity; operation; processing
3 techniques; environmental impact; effect on existing,
4 planned, or proposed collection services and waste
5 facilities; and economic viability. For waste facilities
6 owned or operated by public agencies or supported primarily
7 by public funds or obligations, the plan shall include
8 additional criteria and standards respecting financial
9 self-sufficiency based upon competitive rates and charges.
10 In developing the plan the council shall consider the
11 orderly and economic development, public and private, of the
12 metropolitan area; the preservation and best and most
13 economical use of land and water resources in the
14 metropolitan area. ~~The plan shall include a statement of~~
15 ~~goals and policies for solid waste disposal and hazardous~~
16 ~~waste disposal and management, criteria for solid waste~~
17 ~~disposal sites and hazardous waste disposal sites, the~~
18 ~~general location and capacities of needed disposal sites and~~
19 ~~facilities, projections of disposal capacities required,~~
20 ~~regulations for the operation of disposal sites and~~
21 ~~facilities, a description of disposal techniques which may~~
22 ~~be used, the type or types of solid waste and hazardous~~
23 ~~waste to be disposed of at each site or facility, and such~~
24 ~~other details as the council deems appropriate ; the~~
25 protection and enhancement of environmental quality; the
26 conservation and reuse of resources and energy; the
27 preservation and promotion of conditions conducive to
28 efficient, low cost, competitive, and adaptable systems of
29 waste collection and processing; and the orderly resolution
30 of questions concerning changes in systems of waste
31 collection and processing . ~~Criteria for solid waste~~
32 ~~disposal sites and hazardous waste disposal sites, and~~

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1 ~~regulations for the operation of disposal sites and~~
2 ~~facilities included in the plan, shall be consistent with~~
3 ~~regulations adopted by the pollution control agency pursuant~~
4 ~~to sections 116.06 and 473.823. The plan may be revised as~~
5 ~~often as the council deems necessary in the same manner as~~
6 ~~provided for the adoption thereof. A copy of the~~
7 ~~comprehensive plan and each revision thereof shall be~~
8 ~~delivered or mailed to the pollution control agency and the~~
9 ~~county auditor of each metropolitan county after it has been~~
10 ~~adopted. Prior to the adoption by the council of its~~
11 ~~comprehensive plan, no metropolitan county or local~~
12 ~~government unit shall acquire any solid waste disposal site~~
13 ~~or hazardous waste disposal site, or facility unless~~
14 ~~approved by the council, and after the comprehensive plan is~~
15 ~~adopted no metropolitan county, local government unit or~~
16 ~~person shall acquire, improve or operate any solid waste~~
17 ~~disposal site or hazardous waste disposal site or facility~~
18 ~~in the metropolitan area except in accordance with the plan,~~
19 ~~provided that no solid waste disposal site or hazardous~~
20 ~~waste disposal site or facility in use when the~~
21 ~~comprehensive plan is adopted shall be discontinued solely~~
22 ~~because it is not located in an area designated in the plan~~
23 ~~as acceptable for the location of such sites and facilities.~~
24 Criteria and standards for solid and hazardous waste
25 facilities shall be consistent with regulations adopted by
26 the pollution control agency pursuant to chapter 116 and
27 section 473.823. The hazardous waste portion of the policy
28 plan shall be approved by the pollution control agency in
29 accordance with its standards and regulations prior to
30 adoption by the council.

31 Sec. 8. Minnesota Statutes, 1975 Supplement, Section
32 473.149, is amended by adding a subdivision to read:

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1 Subd. 2. The policy plan shall be prepared, adopted,
2 and amended in accordance with section 473.146, subdivision
3 2, provided that the procedural duties and responsibilities
4 established therein for the affected metropolitan commission
5 shall extend to the metropolitan counties and the pollution
6 control agency. In addition to the requirements of section
7 473.146, subdivision 2, the council shall send notice of any
8 hearing to the pollution control agency and the governing
9 body of each metropolitan county and each local governmental
10 unit, as defined in section 473.801, wherein a waste
11 facility is or may be located in accordance with the plan.
12 Any comprehensive solid and hazardous waste plan adopted by
13 the council prior to the effective date of this act shall
14 remain in force and effect until a policy plan is prepared
15 in accordance with subdivision 1 and adopted by the council.
16 By October 1, 1976, the council shall adopt either interim
17 policies or amendments to the existing comprehensive plan
18 establishing standards and criteria for the review under
19 section 473.823 of permit applications for waste facilities
20 used primarily for resource recovery. For permit
21 applications received by the council prior to October 1,
22 1976, the council may extend the time period provided for
23 review under section 473.823 until 60 days after the
24 adoption of the interim policies or amendments. No
25 metropolitan county, local government unit, commission, or
26 person shall acquire, construct, improve or operate any
27 waste facility in the metropolitan area except in accordance
28 with the council's plan and section 473.823, provided that
29 no waste facility in use when a plan is adopted shall be
30 discontinued solely because it is not located in an area
31 designated in the plan as acceptable for the location of
32 such facilities.

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1 Sec. 9. Minnesota Statutes, 1975 Supplement, Section
2 473.149, is amended by adding a subdivision to read:

3 Subd. 3. The council shall establish an advisory
4 committee to aid in the preparation of the policy plan and
5 the review of county master plans and reports and
6 applications for permits for waste facilities, under
7 sections 473.801 to 473.823, and section 18 of this act, and
8 other duties determined by the council. The committee shall
9 consist of one-third citizen representatives, one-third
10 representatives from metropolitan counties and
11 municipalities, and one-third representatives from private
12 waste management firms. A representative from the pollution
13 control agency and one from the Minnesota health department
14 shall serve as ex officio members of the committee.

15 Sec. 10. Minnesota Statutes 1974, Chapter 473, is
16 amended by adding a section to read:

17 [473.516] [HAZARDOUS WASTE FACILITIES.] Without
18 limiting the grant or enumeration of any of the powers
19 conferred on the council or commission under sections
20 473.501 to 473.549, the commission shall have the specific
21 power to acquire by purchase, lease, condemnation, gift or
22 grant any real or personal property including positive and
23 negative easements and water and air rights, and it may
24 construct, enlarge, improve, replace, repair, maintain and
25 operate hazardous waste facilities in the metropolitan area
26 deemed to be necessary or convenient in connection with the
27 processing of hazardous waste, and the commission may
28 contract for the maintenance and operation of such waste
29 facilities, subject to the bidding requirements of section
30 473.523. The commission may accept for processing hazardous
31 waste derived from outside the metropolitan area in the
32 state, as well as hazardous waste derived from within the

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1 metropolitan area, and may fix and collect fees and charges
2 for the acceptance of hazardous waste as the commission
3 determines to be reasonable. With respect to its activities
4 under this section, the commission shall be subject to and
5 comply with the applicable provisions of chapter 473.
6 Property acquired by the commission under this section shall
7 be subject to the provisions of section 473.545. Any site
8 or facility owned or operated for or by the commission shall
9 conform to the policy plan adopted by the council under
10 section 473.149 and shall be authorized in accordance with
11 the commission's development program and capital budget
12 approved by the council.

13 Sec. 11. Minnesota Statutes, 1975 Supplement, Section
14 473.801, Subdivision 2, is amended to read:

15 Subd. 2. "Local government unit" means any municipal
16 corporation or governmental subdivision other than a
17 metropolitan county located in whole or part in the
18 metropolitan area, authorized by law to provide for the
19 disposal processing of solid waste.

20 Sec. 12. Minnesota Statutes, 1975 Supplement, Section
21 473.801, is amended by adding a subdivision to read:

22 Subd. 3. "Agency" means the Minnesota pollution
23 control agency.

24 Sec. 13. Minnesota Statutes, 1975 Supplement, Section
25 473.802, is amended to read:

26 473.802 [LEGISLATIVE PURPOSE AND POLICY.] The
27 legislature determines that for the protection of the public
28 health, safety, and welfare of the people of the
29 metropolitan area, for the prevention, control and abatement
30 of pollution of air and waters of the state in the
31 metropolitan area, and for the efficient and economic
32 disposal collection and processing of solid and hazardous

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1 waste in the metropolitan area, it is necessary to authorize
2 ~~the pollution-control~~ agency to regulate the handling of
3 hazardous waste and the location and operation of ~~solid~~
4 ~~waste disposal sites and~~ facilities in the area; to
5 authorize the metropolitan council to carry on a continuous,
6 long range program of planning with respect to solid and
7 hazardous waste collection and processing and ~~regulate the~~
8 ~~location and use of, solid~~ to establish criteria and
9 standards and approve permits for waste disposal sites and
10 facilities in the area; and to authorize the
11 metropolitan counties in the area if necessary to acquire,
12 construct, operate and maintain solid waste facilities,
13 to plan for and regulate ~~solid waste disposal sites~~
14 collection services and facilities, to collect data on
15 solid and hazardous waste collection and processing systems
16 and procedures, and to regulate the handling of hazardous
17 waste.

18 The legislature declares that a public purpose is
19 served by the recovery and utilization of resources from
20 solid waste and hazardous waste where economically viable
21 and compatible with source reduction. The plans, criteria,
22 standards and regulations of the agency, council and
23 metropolitan counties shall, to the extent practicable,
24 encourage ownership and operation of solid waste facilities
25 by private industry .

26 Sec. 14. Minnesota Statutes, 1975 Supplement, Section
27 473.803, is amended to read:

28 473.803 [METROPOLITAN COUNTIES; PLANS AND REPORTS.]
29 Subdivision 1. [COUNTY MASTER PLANS.] Each metropolitan
30 county, ~~upon receipt of the council's comprehensive~~
31 following adoption or revision of the council's solid and
32 hazardous waste policy plan and in accordance with the dates

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1 specified therein, and after consultation with all affected
2 municipalities , shall prepare and submit to the council for
3 its approval, a report including a description of county
4 solid and hazardous waste master plan to implement the
5 policy plan. The master plan shall describe county solid
6 and hazardous waste activities, functions, and facilities;
7 the existing system of solid and hazardous waste generation,
8 collection, and processing within the county; existing and
9 proposed county and municipal ordinances and license and
10 permit requirements relating to waste facilities and
11 hazardous and solid waste generation, collection, and
12 processing; existing or proposed municipal, county, or
13 private waste facilities and collection services within the
14 county together with schedules of existing rates and charges
15 to users and statements as to the extent to which such
16 facilities and services will or may be used to implement the
17 policy plan; and any solid waste disposal site or facility
18 which the county owns or plans to acquire to implement the
19 comprehensive plan , construct, or improve together with
20 statements as to the planned method, estimated cost and time
21 of acquisition thereof; a description of any improvements
22 which will be necessary to make the site or facility
23 suitable for solid waste disposal , proposed procedures
24 for the operation and maintenance of any such site or each
25 facility; an estimate of the annual cost of operation and
26 maintenance of each site or facility; an estimate of the
27 annual gross revenues which will be received from the
28 operation of each site or facility; and a proposal for the
29 use of each site when filled facility after it is no longer
30 needed or useable as a waste facility. The master plan
31 shall, to the extent practicable, encourage ownership and
32 operation of solid waste facilities by private industry.

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1 For waste facilities owned or operated by public agencies or
2 supported primarily by public funds or obligations, the
3 master plan shall contain policies to ensure financial self
4 sufficiency based upon competitive rates and charges . -The
5 ~~report shall also include a complete survey of existing or~~
6 ~~proposed municipal or private solid waste disposal sites and~~
7 ~~facilities in the county containing information similar to~~
8 ~~that required for county facilities, and a statement of the~~
9 ~~extent to which they will or may be used to implement the~~
10 ~~comprehensive plan. The council shall approve the report if~~
11 ~~it is in accordance with its comprehensive plan. The~~
12 ~~report, when approved by the council, shall be implemented~~
13 ~~by the county. Each report not approved by the council~~
14 ~~shall be returned to the county with a statement of the~~
15 ~~reasons for the council's failure to approve it.~~

16 Subd. 2. [COUNCIL REVIEW.] ~~Each metropolitan county, as~~
17 ~~a part of its solid waste plan, shall prepare and submit to~~
18 ~~the council for its approval a report including a~~
19 ~~description of the county hazardous waste ordinance, the~~
20 ~~county hazardous waste generator licensing procedures,~~
21 ~~proposed procedures for implementing the system, and an~~
22 ~~estimate of the total number of generators. Council~~
23 ~~approval or disapproval of the report shall be consistent~~
24 ~~with this section.~~ The council shall review each master
25 plan or revision thereof to determine whether it is
26 consistent with the council's policy plan. If it is not
27 consistent, the council shall return the plan with its
28 comments to the county for revision and resubmittal. Any
29 county solid or hazardous waste plan or report approved by
30 the council prior to the effective date of this act shall
31 remain in effect until a new master plan is submitted to and
32 approved by the council in accordance with this section.

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1 Subd. 3. [ANNUAL REPORT.] Each metropolitan county
2 shall prepare and submit annually to the council a report
3 containing information, as the council may prescribe in its
4 policy plan, concerning solid and hazardous waste
5 generation, collection, and processing within the county.
6 The report shall include a schedule of rates and charges in
7 effect or proposed for the use of any waste facility owned
8 or operated by or on its behalf, together with a statement
9 of the basis for such charges.

10 Sec. 15. Minnesota Statutes, 1975 Supplement, Section
11 473.811, is amended to read:

12 473.811 [METROPOLITAN COUNTIES; FACILITIES; ORDINANCES;
13 ENFORCEMENT.] Subdivision 1. [ACQUISITION.] To accomplish
14 the purpose specified in section 473.803, each metropolitan
15 county may acquire by purchase, lease, gift or condemnation
16 as provided by law, upon such terms and conditions as it
17 shall determine, including contracts for deed and
18 conditional sales contracts, solid waste ~~disposal sites or~~
19 facilities or properties for solid waste facilities which
20 are in accordance with regulations adopted by the agency,
21 ~~the comprehensive~~ policy plan adopted by the council and
22 ~~the county report~~ master plan as approved by the council,
23 and may improve or construct improvements on any ~~site~~
24 property or facility so acquired. No metropolitan city,
25 county or town shall own or operate a hazardous waste
26 facility. Each metropolitan county is authorized to levy a
27 tax in anticipation of need for expenditure for the
28 acquisition and betterment of solid waste ~~disposal sites or~~
29 facilities. If such a tax is levied in anticipation of
30 need, the purpose must be specified in a resolution of the
31 county directing that the levy and the proceeds of the tax
32 may be used only for that purpose. Until so used, the

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1 proceeds shall be retained in a separate fund or invested in
2 the same manner as surplus in a sinking fund may be invested
3 under section 475.66. The right of condemnation shall be
4 exercised in accordance with chapter 117. A metropolitan
5 county may acquire property for and operate a solid waste
6 ~~disposal site or~~ facility within the boundaries of any city
7 or town in the metropolitan area, without complying with the
8 provisions of any zoning ordinance adopted after April 15,
9 1969.

10 Subd. 2. [FINANCING.] Each metropolitan county may by
11 resolution authorize the issuance of bonds to provide funds
12 for the acquisition or betterment of solid waste facilities
13 or property or property rights ~~and buildings, structures and~~
14 ~~equipment~~ for a solid waste ~~disposal site or~~ facility, or
15 for refunding any outstanding bonds issued for any such
16 purpose, and may pledge to the payment of ~~such~~ the bonds
17 and the interest thereon, its full faith, credit and taxing
18 powers, or the proceeds of any designated tax levies, or the
19 gross or net revenues or charges to be derived from any ~~such~~
20 ~~site or~~ facility operated by or for the county, or any
21 combination thereof. Taxes levied for the payment of ~~such~~
22 the bonds and interest shall not reduce the amounts of other
23 taxes which the county is authorized by law to levy. No
24 election shall be required to authorize the issuance of ~~any~~
25 ~~such the~~ bonds. Except as otherwise provided, ~~such the~~
26 bonds shall be issued and sold in accordance with the
27 provisions of chapter 475.

28 Subd. 3. [OPERATION.] Each metropolitan county may
29 operate and maintain solid waste ~~disposal sites and~~
30 facilities, and for this purpose may employ all necessary
31 personnel, may adopt regulations governing ~~the~~ operation
32 ~~thereof~~ , and may establish and collect reasonable,

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1 non-discriminatory rates and charges for the use ~~thereof~~ of
2 the facilities by any local government unit or person,
3 estimated to be sufficient, with any other moneys
4 appropriated for ~~such~~ the purpose, to pay all costs of
5 acquisition, operation and maintenance ~~thereof~~ . Each
6 metropolitan county may use itself or sell all or any part
7 of materials or energy recovered from solid waste to private
8 interests or public agencies for consumption or reuse by
9 them. Section 471.345 and Laws 1951, Chapter 556, as
10 amended shall not apply to the sale of the materials or
11 energy provided that the dealings of each county shall be on
12 a competitive basis so as not to create an unfair or
13 unreasonable advantage or restraint of trade on the part of
14 the county.

15 Subd. 4. [CONTRACTS.] Each metropolitan county may
16 contract for the use of existing public or private waste
17 facilities or with any person for the operation and
18 maintenance by such person of any solid waste disposal site
19 or facility owned by it the county . ~~such~~ The contract
20 shall provide for the operation and maintenance of such site
21 or the facility in accordance with any regulations ,
22 criteria, and standards of the pollution control agency, the
23 metropolitan council and the county relating thereto.

24 Subd. 5. [ORDINANCES.] Each metropolitan county may
25 ~~also~~ adopt ordinances governing the operation collection of
26 solid waste haulers, disposal sites, or facilities in the
27 county by any local government unit or person . The
28 regulation ordinances shall not prevent the hauling of
29 solid waste from one county to another. ~~such ordinances~~
30 ~~shall be consistent with applicable regulations adopted by~~
31 ~~the pollution control agency or the metropolitan council.~~
32 ~~The county may prescribe a penalty for the violation of any~~

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1 ~~such ordinance not exceeding the maximum which may be~~
2 ~~specified for a misdemeanor. Any such ordinance enacted~~
3 ~~shall be published in accordance with the provisions of~~
4 ~~section 375.51. * Each municipality and town within a~~
5 ~~metropolitan county may~~ the metropolitan area shall adopt
6 an ordinance governing the collection of solid waste within
7 its boundaries. If the county within which it is located
8 has adopted an ordinance, the municipality or town shall
9 adopt either the county ordinance by reference or a more
10 ~~strict ordinance than the county's to regulate solid waste~~
11 ~~haulers making pickups within its boundaries.~~ A hauler who
12 qualified under the ordinance of the municipality where he
13 is making pickups may transport solid waste on streets and
14 highways in other municipalities within the county without
15 conforming to their ordinances.

16 Each metropolitan county shall by ordinance establish
17 and from time to time revise rules, regulations, and
18 standards for waste facilities within the county, relating
19 to location, sanitary operation, periodic inspection and
20 monitoring, maintenance, termination and abandonment, and
21 other pertinent matters. The ordinance shall require
22 permits or licenses for waste facilities and shall require
23 that such facilities be registered with a county office.

24 Each metropolitan county shall by ordinance establish
25 and revise rules, regulations, and standards for hazardous
26 waste management relating to (a) the identification of
27 hazardous waste, (b) the labeling and classification of
28 hazardous waste, (c) the handling, collection,
29 transportation and storage of hazardous waste, (d) the
30 ultimate disposal site of hazardous waste, and (e) other
31 matters necessary for the public health, welfare and safety.
32 The county shall require permits or licenses for the

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1 generation, collection, and processing of hazardous waste
2 and shall require registration with a county office.

3 Any ordinance enacted under this subdivision shall
4 embody regulations, standards, and requirements adopted by
5 the agency and goals, policies, criteria, and standards
6 adopted by the council and shall be consistent with the
7 county master plan approved by the council. County
8 ordinances adopted pursuant to this subdivision shall not
9 apply to the location or operation of any hazardous waste
10 facility owned or operated by the waste control commission
11 under section 10. Issuing, denying, modifying, imposing
12 conditions upon, or revoking hazardous waste permits or
13 licenses, and county hazardous waste regulations, shall be
14 subject to review, denial, suspension, and reversal by the
15 agency. The agency shall after written notification have 15
16 days to review, suspend, modify, or reverse the action of
17 the county. After this period, the action of the county
18 board shall be final subject to appeal to the district court
19 in the manner provided in section 115.05. Any ordinance
20 enacted shall be published in accordance with the provisions
21 of section 375.51.

22 Subd. 5a. [ENFORCEMENT.] Each metropolitan county
23 shall be responsible for insuring that ~~noncentering solid~~
24 waste ~~disposal sites and~~ facilities, solid waste collection
25 operations licensed or regulated by the county and hazardous
26 waste generation, collection, and processing operations are
27 brought into conformance with, or terminated and abandoned
28 in accordance with, applicable county ordinances; rules,
29 regulations and requirements of the ~~pollution control~~ agency
30 ; and goals, policies, criteria, and standards of the
31 council. Counties may provide by ordinance that operators
32 or owners or both of ~~real property being used for solid~~

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1 ~~waste-disposal-purposes~~ such facilities or operations shall
2 be responsible to the county for satisfactorily performing
3 ~~such-terminating-and-abandonment~~ the procedures required .
4 ~~Counties may further provide that in the event such~~ If
5 operators or owners or both fail to perform ~~such termination~~
6 ~~and-abandonment-activities~~ , the county may recover the
7 costs incurred by the county in completing ~~the satisfactory~~
8 ~~discharge of such termination and abandonment activities~~
9 the procedures in a civil action in any court of competent
10 jurisdiction or, in the discretion of the board, the costs
11 ~~may be levied against said operators or owners or both,~~
12 ~~personally or against any real or personal property~~
13 involved certified to the county auditor as a special tax
14 against the land. The ordinances may be enforced by action
15 in district court. The county may prescribe a criminal
16 penalty for the violation of any ordinance enacted under
17 this section not exceeding the maximum which may be
18 specified for a misdemeanor .

19 Subd. 6. [GRANTS AND LOANS.] Each metropolitan county
20 may accept gifts, may apply for and accept grants or loans
21 of money or other property from the United States, the
22 state, the metropolitan council, any local government unit,
23 or any person, ~~for solid waste disposal~~ to accomplish the
24 purposes specified in sections 473.801 to 473.823 and
25 section 18 of this act , may enter into any agreement
26 required in connection therewith, and may hold, use, and
27 dispose of ~~such~~ the money or property in accordance with
28 the terms of the gift, grant, loan or agreement relating
29 thereto.

30 Subd. 7. [JOINT ACTION.] Each metropolitan county and
31 local government unit may act under the provisions of
32 section 471.59 or any other appropriate law providing for

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1 joint or cooperative action between government units, to
2 accomplish any purpose specified in sections 473.801 to
3 473.823 and section 18 of this act .

4 Subd. 8. [SALE OR LEASE.] Each metropolitan county may
5 sell or lease any facilities or property or property rights
6 ~~or land, buildings, structures or equipment~~ previously used
7 ~~or acquired for solid waste disposal~~ to accomplish the
8 purposes specified by sections 473.801 to 473.823 and
9 section 18 of this act . Such property may be sold in the
10 manner provided by section 458.196. Each metropolitan
11 county may convey to or permit the use of any such property
12 by a local government unit, with or without compensation,
13 without submitting the matter to the voters of the county.
14 No real property or property rights ~~or land, improved or~~
15 ~~unimproved~~ acquired pursuant to this section, may be
16 disposed of in any manner unless and until the county shall
17 have submitted to the agency and the metropolitan council
18 for review and comment the terms on and the use for which
19 the property will be disposed of. The agency and the
20 council shall review and comment on the proposed disposition
21 within 60 days after ~~it~~ each has received the data relating
22 thereto from the county.

23 Subd. 9. [SOLID AND HAZARDOUS WASTE FUND.] All moneys
24 received by any metropolitan county from any source
25 specified in sections 473.801 to ~~473.811~~ 473.823 and
26 section 18 of this act shall be paid into the county
27 treasury, placed in a special fund designated as the county
28 solid and hazardous waste ~~disposal~~ fund, and used only for
29 the purposes authorized in those sections, as appropriated
30 by the county board, subject to any lawful restrictions,
31 conditions, or pledges applicable thereto.

32 Sec. 16. Minnesota Statutes 1974, Chapter 473, is

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1 amended by adding a section to read:

2 [473.813] [CITIES, COUNTIES, TOWNS; SOLID WASTE
3 CONTRACTS.] Subdivision 1. Notwithstanding any contrary
4 provision of law or charter, and in addition to the powers
5 or authority granted by any other law or charter, a city,
6 county, or town in the metropolitan area may directly
7 negotiate and enter into contracts, for a term not to exceed
8 30 years, for the delivery of solid waste to a waste
9 facility and the processing of solid waste. Contracts made
10 by direct negotiations shall be approved by resolution
11 adopted by the governing body of the city, county, or town.

12 Subd. 2. Before a city, county, or town may enter into
13 any contract pursuant to subdivision 1, which contract is
14 for a period of more than five years, the city, county, or
15 town shall submit the proposed contract and a description of
16 the proposed activities under the contract to the council
17 for review and approval. The council shall approve the
18 proposed contract if it determines that the contract will
19 not adversely affect collection rates and charges during the
20 term of the contract and that the contract is consistent
21 with the council's plan, permits issued under section
22 473.823, and county reports or master plans approved by the
23 council. The council may consolidate its review of
24 contracts submitted under this section with its review of
25 related permit applications submitted under section 473.823
26 and for this purpose may delay the review required by this
27 section.

28 Sec. 17. Minnesota Statutes, 1975 Supplement, Section
29 473.823, is amended to read:

30 473.823 [POLLUTION CONTROL AGENCY; REGULATIONS AND
31 PERMITS.] Subdivision 1. By April 1, 1977, the-pollution
32 control agency, to abate or prevent pollution of air and

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1 waters of the state in the metropolitan area, shall adopt
2 regulations relating to the location and operation of ~~solid~~
3 ~~waste disposal sites and~~ facilities in the metropolitan area
4 and regulations having the force of law for the
5 identification, labeling, classification, storage,
6 collection, treatment, and disposal of hazardous waste . In
7 adopting ~~such~~ the regulations the agency shall consider
8 applicable air and water pollution standards, land and water
9 use, soil conditions, geography, topography, ground water
10 pollution, natural drainage, prevailing weather conditions,
11 the costs of acquisition and operation of ~~such sites and~~
12 facilities, and any other factors it may deem relevant,
13 ~~such~~ The regulations shall be adopted in accordance with
14 chapter 15. The regulations, to the extent practicable,
15 shall encourage resource recovery and attempt to reduce the
16 metropolitan area's reliance on direct disposal and
17 landfill.

18 Subd. 2. In the metropolitan area, no metropolitan
19 county or commission , local government unit or person shall
20 ~~commence operation and no metropolitan county, local~~
21 ~~government unit or person shall~~ or continue operation of
22 any ~~solid waste disposal site or~~ facility, unless a permit
23 for the operation thereof has been issued by the ~~pollution~~
24 ~~control~~ agency, or unless the ~~site or~~ facility is approved
25 for temporary operation by the ~~pollution control~~ agency
26 prior to the issuance of a permit.

27 Subd. 3. The ~~pollution control~~ agency may prescribe
28 permit and permit application forms, and may request
29 applicants to submit in writing all information deemed
30 relevant by the agency. The agency shall request applicants
31 to submit all information deemed relevant by the council to
32 its review, including without limitation information

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1 relating to the geographic areas and population served, the
2 need, the effect on existing facilities and services, the
3 anticipated public cost and benefit, the anticipated rates
4 and charges, the manner of financing, the effect on
5 metropolitan plans and development programs, the supply of
6 waste, anticipated markets for any product, and alternative
7 means of disposal or energy production. The agency, or any
8 employee or agent thereof, when authorized by it, may
9 examine any books, papers, records or memoranda of the
10 applicant pertaining to its ~~solid waste disposal site or~~
11 facility, and may enter on any property, public or private,
12 for the purpose of obtaining information, conducting surveys
13 or making investigations relative to the location or
14 operation of a ~~solid waste disposal site or~~ facility. The
15 agency may issue permits for the operation of ~~solid waste~~
16 ~~disposal sites and~~ facilities by any metropolitan county or
17 commission, local government unit or person where the
18 operation thereof is consistent with applicable regulations
19 adopted by the agency pursuant to subdivision 1, provided
20 that no permit may be issued for the operation of a ~~solid~~
21 ~~waste disposal site or~~ facility in the metropolitan area
22 which is not in accordance with the metropolitan council's
23 comprehensive solid and hazardous waste policy plan. The
24 metropolitan council shall determine whether a permit is in
25 accordance with the goals, policies, standards, and criteria
26 in its comprehensive policy plan. In making its
27 determination, the council shall consider the area-wide need
28 and benefit of the applicant facility and may consider,
29 without limitation, the effect of the applicant facility on
30 existing and planned waste facilities described in a waste
31 control commission development program or county report or
32 master plan. If the council determines that a permit is in

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1 accordance with its policy plan, the council shall approve
2 the permit. If the council determines that a permit is not
3 in accordance with its policy plan, it shall disapprove the
4 permit. The council's approval of permits may be subject to
5 conditions necessary to satisfy criteria and standards in
6 its policy plan, including conditions respecting the type,
7 character, and quantities of waste to be processed at a
8 waste facility used primarily for resource recovery and
9 restrictions on the geographic territory from which a waste
10 facility used primarily for resource recovery may draw its
11 waste. For ~~this~~ the purpose of this review and approval by
12 the council, the agency shall send a copy of each permit
13 application and any supporting information furnished by the
14 applicant to the metropolitan council within 15 days after
15 receipt of the application and all other information
16 requested from the applicant. Within ~~45~~ 60 days after the
17 application and supporting information are received by the
18 council, ~~it~~ unless a time extension is authorized by the
19 agency, the council shall issue to the agency in writing its
20 determination whether the permit is ~~in accordance with its~~
21 ~~comprehensive plan~~ disapproved, approved, or approved with
22 conditions . If the council does not issue its
23 determination to the agency within the ~~45~~ 60 day period,
24 unless a time extension is authorized by the agency, the
25 permit shall be deemed to be in accordance with the
26 council's ~~comprehensive~~ policy plan. No permit may be
27 issued in the metropolitan area for a waste facility used
28 primarily for resource recovery, if the facility or site is
29 owned and operated by a public agency or if the acquisition
30 or betterment of the facility or site is secured by
31 obligations pledging the full faith and credit or taxing
32 powers of a city, county, or town, unless the council finds

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1 that adequate markets exist for the products recovered
2 without substantially reducing the supply of solid waste
3 available for existing resource recovery operations and that
4 all costs of operation, administration, maintenance and debt
5 service will be covered by reasonable rates and charges for
6 the use of the facility.

7 Subd. 4. Regulations adopted pursuant to subdivision 1
8 may be enforced by the ~~pollution control~~ agency in the
9 manner provided in section ~~115.47~~ 115.071 .

10 ~~Subd. 4a. No permit may be issued for the operation of~~
11 ~~a hazardous waste treatment or disposal site, system or~~
12 ~~facility in the metropolitan area which does not comply with~~
13 ~~the metropolitan council's comprehensive plan. A copy of~~
14 ~~each permit application and any supporting information~~
15 ~~furnished by the applicant shall be sent to the metropolitan~~
16 ~~council within 15 days after receipt of the application and~~
17 ~~all other information requested from the applicant. Within~~
18 ~~45 days after the application and supporting information are~~
19 ~~received by the council, it shall issue to the pollution~~
20 ~~control agency in writing its determination whether the~~
21 ~~permit complies with its comprehensive plan. If the council~~
22 ~~does not issue its determination to the agency within the 45~~
23 ~~day period, the permit shall be deemed to be in accordance~~
24 ~~with the council's comprehensive plan.~~

25 Sec. 18. Minnesota Statutes 1974, Chapter 473, is
26 amended by adding a section to read:

27 [473.825] [DISCLOSURE.] For the purpose of the
28 regulations, plans, and reports required or authorized by
29 section 473.149, section 10 of this act, and sections
30 473.801 to 473.823 and this section, each generator of
31 hazardous waste and each owner or operator of a collection
32 service or waste facility annually shall make the following

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1 information available to the agency, council, and
2 metropolitan counties; a schedule of rates and charges in
3 effect or proposed for a collection service or the
4 processing of waste delivered to a waste facility and a
5 description, in aggregate amounts indicating the general
6 character of the solid and hazardous waste collection and
7 processing system, of the types and the quantity, by types,
8 of waste generated, collected, or processed. The county,
9 council, and agency shall act in accordance with the
10 provisions of section 116.075, subdivision 2, with respect
11 to information for which confidentiality is claimed.

12 Sec. 19. Minnesota Statutes, 1975 Supplement, Section
13 473.249, Subdivision 1, is amended to read:

14 Subdivision 1. The metropolitan council may levy a tax
15 on all taxable property in the counties named in section
16 473.121 to provide funds for the purposes of sections
17 473.121 to 473.249 and for the purpose of carrying out other
18 responsibilities of the council as provided by law . The
19 tax shall not exceed ~~seven-thirtieths~~ eight thirtieths of
20 one mill on each dollar of assessed valuation of all such
21 taxable property, and shall be levied and collected in the
22 manner provided by section 473.08.

23 Sec. 20. Minnesota Statutes, 1975 Supplement, Sections
24 473.121, Subdivision 30; 473.149, Subdivision 2; 473.815,
25 and 473.821, are repealed.

26 Sec. 21. This act applies in the counties of Anoka,
27 Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

28 Sec. 22. This act is effective on the day following
29 final enactment.

House
Companion
No.

DUPLICATE

S. F. NO. 1384

A bill for an act relating to retirement; salary assumptions for actuarial purposes; amending Minnesota Statutes 1974, Section 356.21, Subdivision 5.

B. D. No. B3067

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators Chenille
★ Read FIRST TIME APR 10 1975 and Referred to the
Committee on GOVERNMENTAL OPERATIONS
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference
committee action.

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Printed Page No.

S. F. No.

1384

Mr. O'Neill introduced--

S. F. No. 1384: Referred to the Committee on GOVERNMENTAL OPERATIONS

1 A bill for an act
2 relating to retirement; salary assumptions for
3 actuarial purposes; amending Minnesota Statutes
4 1974, Section 356.21, Subdivision 5.
5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
6 Section 1. Minnesota Statutes 1974, Section 356.21,
7 Subdivision 5, is amended to read:
8 Subd. 5. [ACTUARIAL SURVEY; CONTENTS.] Each actuarial
9 survey required under this section shall include:
10 (1) For each fund providing any benefits under a
11 benefit formula, the level normal cost of the benefits
12 provided by the laws governing the fund as of the date of
13 the survey, computed in accordance with the Entry Age Normal
14 Cost (Level Normal Cost) Method. Accrued liabilities of the
15 fund shall also be calculated in accordance with that
16 method.
17 (2) For each fund providing benefits under the money
18 purchase method, the member contributions accumulated at
19 interest, as apportioned to members' accounts, to the date
20 of the survey. These accumulations shall be separately
21 tabulated in such manner as to reflect properly any
22 differences in money purchase annuity rates which may apply.

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1 (3) An interest assumption of five percent.

2 (4) Other assumptions as to mortality, disability,
3 withdrawal, and salary scale that are appropriate to the
4 fund, which shall be set forth in the survey report.

5 (5) A balance sheet showing accrued assets, accrued
6 liabilities, and the deficit from full funding of
7 liabilities (unfunded accrued liability). The accrued
8 liabilities shall include the following required reserves:

9 (a) For active members

10 1. Retirement benefits

11 2. Disability benefits

12 3. Refundment liability due to death or withdrawal

13 4. Survivors' benefits

14 (b) For deferred annuitants' benefits

15 (c) For former members without vested rights

16 (d) For annuitants

17 1. Retirement annuities

18 2. Disability annuities

19 3. Widows' annuities

20 4. Surviving children's annuities

21 In addition to the above required reserves, separate
22 items shall be shown for additional benefits, if any, which
23 may not be appropriately included in the reserves listed
24 above.

25 (6) In addition to the level normal cost, such
26 additional rate of support as is required to amortize any
27 deficit in the fund by the end of the fiscal year occurring
28 in 1997.

29 (7) Each actuarial survey shall measure all aspects of
30 the fund in accordance with such changes in benefit plans,
31 if any, as will be in force during the following fiscal
32 year.

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1 (8) An actuarial balance sheet shall not include as an
2 asset any amount representing the present value of
3 contributions to be made for the purpose of amortizing the
4 present deficit in the fund.

5 (9) A statement of the average entry ages at which
6 employment commences.

7 (a) For all those currently active members at the date
8 of the actuarial valuation.

9 (b) Separately as to new entrants for each of the last
10 five fiscal years.

11 (10) A statement of the average ages at which service
12 retirements have taken place.

13 (a) For all service retirement annuitants living at the
14 date of the actuarial valuation.

15 (b) Separately as to new retirements for each of the
16 last five fiscal years.

17 (11) A separate item of administrative expense and a
18 statement of level normal cost. The administrative expense
19 and level normal cost shall also be expressed as a
20 percentage of covered payroll.

21 (12) For each fund providing any benefit that is based
22 entirely on the rate of compensation in the year of
23 retirement or later years or on a limited period of years in
24 which compensation was at its highest level, an assumption
25 that in each future year the salary on which a retirement or
26 other benefit is based is ~~1.035~~ 1.05 multiplied by the
27 salary for the preceding year.

28 Sec. 2. This act is effective June 30, 1975.

House
Companion
No.

DUPLICATE

S. F. NO. 1385

A bill for an act relating to appropriations; appropriating money to the state planning agency to aid in financing the restoration of water quality in Crystal Lake.

B. D. No. B0185

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators _____

★ Read FIRST TIME APR 10 1975 and Referred to the
Committee on
NATURAL RESOURCES AND AGRICULTURE
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference
committee action.

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Printed Page No.

S. F.

No.

1385

Mr. Ueland introduced--

S. F. No. 1385: Referred to the Committee on NATURAL RESOURCES AND AGRICULTURE

1 A bill for an act
2 relating to appropriations; appropriating money to
3 the state planning agency to aid in financing the
4 restoration of water quality in Crystal Lake,
5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
6 Section 1. There is appropriated to the state planning
7 agency from the general fund the sum of \$50,000, or so much
8 thereof as may be required, for the purpose of restoring and
9 improving the quality of water in Crystal Lake in Blue Earth
10 county. Funds appropriated by this section shall be
11 disbursed by the agency to appropriate officials of the city
12 of Lake Crystal at such time or times as it appears to the
13 satisfaction of the agency that the city has taken all
14 action required to furnish not less than \$12,500 as the
15 city's share of the cost of the project. Funds appropriated
16 by this section shall not lapse or revert, but shall remain
17 available until expended.

House
Companion
No.

DUPLICATE

S. F. NO. 1386

A bill for an act relating to courts; juvenile court records; establishing a procedure for expunging the records; providing a penalty; amending Minnesota Statutes 1974, Chapter 260, by adding a section.

B. D. No. B2636

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators Tranter
Keefe Spear
APR 10 1975
★ Read FIRST TIME _____ and Referred to the
Committee on JUDICIARY
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference
committee action.

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S. F.

No.

Printed Page No.

1386

Messrs. Tennesen; Keefe, J. and Spear introduced--

S. F. No. 1386: Referred to the Committee on JUDICIARY

1 A bill for an act

2 relating to courts; juvenile court records;

3 establishing a procedure for expunging the

4 records; providing a penalty; amending Minnesota

5 Statutes 1974, Chapter 260, by adding a section.

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

7 Section 1. Minnesota Statutes 1974, Chapter 260, is

8 amended by adding a section to read:

9 [260.162] Subdivision 1. "Juvenile records" as used in

10 this section includes but is not limited to records

11 pertaining to the arrest, apprehension, detention, court

12 proceedings and disposition of a juvenile. "Juvenile

13 records" does not include a record concerning a proceeding

14 in which the juvenile was certified an adult.

15 Subd. 2. "Expunge" as used in this section means to

16 physically remove and erase or destroy juvenile records. In

17 the case of computers, "expunge" means to remove all

18 references in a computer memory system to a person's name,

19 address, and all other identifying references pertaining to

20 the person and his juvenile record.

21 Subd. 3. Three years after a person has been under the

22 jurisdiction of the juvenile court or when a person reaches

23 age 21, whichever is later, the juvenile court shall notify

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1 the county attorney that the person's juvenile records, by
2 whomever kept, will be ordered expunged within 30 days
3 unless the county attorney files an objection thereto within
4 that time.

5 Subd. 4. The county attorney shall serve notice of the
6 filing of any objection to expunction of the records upon
7 the person whose records are affected. Upon a clear and
8 convincing showing of a compelling public interest requiring
9 the maintenance of the person's records, the court shall
10 order the records maintained for an additional year from the
11 date of the notice pursuant to subdivision 3. A compelling
12 public interest does not include the maintenance of records
13 adjudging a child to be delinquent, dependent and neglected,
14 or a juvenile traffic offender.

15 If the court orders the records maintained, the order,
16 together with findings and reasons for the denial shall be
17 served upon the person whose records are affected. The
18 person whose records are affected may appeal in accordance
19 with section 260.291.

20 Subd. 5. If the county attorney does not object within
21 30 days or the court finds there is no compelling public
22 interest requiring the maintenance of the records then the
23 court shall order the expunction, within 30 days and serve
24 copies of the order on all persons and agencies including
25 school systems known to have kept juvenile records on the
26 person, and send a copy of the order to the person whose
27 records are being expunged.

28 If the person whose records are being expunged requests
29 the court in writing to send a copy of the expunction order
30 to other persons, the court shall comply. Any person
31 receiving a copy of the order to expunge shall expunge the
32 juvenile records and shall, within 30 days of receipt of the

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1 order, notify the juvenile court of compliance. The court
2 shall turn the notifications of compliance and all records
3 of the expunction process over to the person whose records
4 were expunged.

5 Subd. 6. If the records are maintained for a year
6 pursuant to subdivision 4, then at the end of that year the
7 provisions of subdivisions 3 to 5 shall be followed as in
8 the initial proceedings.

9 Subd. 7. A person failing to expunge the records in
10 compliance with the court's order or failing to notify the
11 court within the time specified is guilty of a misdemeanor
12 and liable for civil damages to a person harmed thereby in
13 the sum of \$100 or more plus costs and reasonable attorneys
14 fees.

X

House
Companion
No.

DUPLICATE

S. F. NO. 1387

A bill for an act relating to dissolution of marriage; annulment and separate maintenance and disposition of property; amending Minnesota Statutes 1974, Sections 518.58; 518.61; 518.64; 518.65; and Chapter 518, by adding a section; repealing Minnesota Statutes 1974, Sections 518.59 and 518.63.

B. D. No. B0092

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators

Ogdahl

Spears

Skeefe

★ Read FIRST TIME APR 10 1975 and Referred to the
Committee on JUDICIARY,
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference
committee action.

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S. F.

No.

Printed Page No.

1387

Messrs. Spear, Ogdahl and Keefe, S. introduced--

S. F. No. 1387: Referred to the Committee on JUDICIARY.

1 A bill for an act
2 relating to dissolution of marriage; annulment and
3 separate maintenance and disposition of property;
4 amending Minnesota Statutes 1974, Sections 518.58;
5 518.61; 518.64; 518.65; and Chapter 518, by adding
6 a section; repealing Minnesota Statutes 1974,
7 Sections 518.59 and 518.63.
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
9 Section 1. Minnesota Statutes 1974, Section 518.58, is
10 amended to read:
11 518.58 [DISPOSITION OF PROPERTY.] Subdivision 1.
12 Subject to the provisions of subdivisions 2 and 3, upon a
13 dissolution of a marriage, or upon an annulment, the court
14 may make such disposition of the real and personal property
15 of the parties-acquired-during-coverture including the
16 homestead and furniture and household goods used in the
17 homestead and acquired by the parties since their marriage
18 or purported marriage, in the case of annulment, to each
19 other, whether acquired in the name of either or both of the
20 parties as shall appear just and equitable-y-having-regard
21 to-the-nature-and-determination-of-the-issues-in-the-case
22 . The court shall make such disposition without regard to
23 the fault of either party and having regard to the amount of
24 alimony or support money, if any, awarded in the judgment,

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1 the manner by which said property was acquired and the
2 persons paying or supplying the consideration therefor, the
3 charges or liens imposed thereon to secure payment of
4 alimony or support money, the separate property of the
5 parties as provided in subdivisions 2 and 3 and all the
6 facts and circumstances of the case.

7 Subd. 2. As to any real or personal property acquired
8 by one party as a gift, bequest, devise or inheritance from
9 a third person to such party but not to such party's spouse,
10 or as to any property transferred from one spouse to the
11 other spouse since their marriage, the court shall award
12 said real or personal property to the spouse that acquired
13 said property by gift, bequest, devise or inheritance from a
14 third party provided that said real or personal property has
15 remained the separate property of the acquiring spouse.

16 Subd. 3. As to any real or personal property acquired
17 before marriage by one party but not the other party the
18 court shall award said property acquired before marriage to
19 the acquiring party provided said property has remained the
20 separate property of the acquiring spouse or as otherwise
21 provided by the written antenuptial contract of the parties.

22 Subd. 4. Regardless of the permanent disposition
23 thereof by the court under subdivisions 1, 2, or 3, such
24 right of disposition shall include the right of the court to
25 award occupancy of the homestead and use of the household
26 goods and furniture used in the homestead to one of the
27 parties for such period of time as may be determined by the
28 court having regard for the determination of custody of
29 minor children and other circumstances of the case.

30 Sec. 2. Minnesota Statutes 1974, Chapter 518, is
31 amended by adding a section to read:

32 [518.631] [TEMPORARY USE AND POSSESSION OF PROPERTY.]

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1 In any action brought for annulment, dissolution of
2 marriage, or separate maintenance, the court, in its
3 discretion, may determine which of the parties, or whether
4 both of them shall have the temporary use and possession of
5 the real and personal property of the parties, whether or
6 not acquired during marriage, and may award the same to
7 either of the parties, or to both of them, having due regard
8 for the needs of the parties and the welfare of their
9 children. Any such use and possession may be subject to
10 restraint against sale, encumbrance, assignment,
11 dissipation, or any other disposition of the property. The
12 court may order and direct either party to vacate the
13 homestead or rented premises of the parties upon a proper
14 showing of evidence that said order is necessary.

15 Sec. 3. Minnesota Statutes 1974, Section 518.61, is
16 amended to read:

17 518.61 [TRUSTEES.] The court may appoint trustees, when
18 it is deemed expedient, to receive any money ordered to be
19 paid as alimony or support money, or as an award under
20 section 518.58 ~~or section 518.59~~, upon trust to invest the
21 same, and pay over the income in such manner as the court
22 shall direct, or to pay over the principal sum in such
23 proportions and at such times as the court shall order,
24 regard being had in all such cases to the situation and
25 circumstances of the recipient, and the children, if there
26 are any, and such trustees shall give such bond, as the
27 court shall require, for the faithful performance of their
28 trust.

29 Sec. 4. Minnesota Statutes 1974, Section 518.64, is
30 amended to read:

31 518.64 [ALTERATION OF ORDERS OR DECREES.] After an
32 order or decree for alimony or support money, temporary or

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1 permanent, or for the appointment of trustees to receive and
2 hold any property awarded as alimony or support money, the
3 court may from time to time, on petition of either of the
4 parties revise and alter such order or decree respecting the
5 amount of such alimony, or support money, and the payment
6 thereof, and also respecting the appropriation and payment
7 of the principal and income of the property so held in
8 trust, and may make any order respecting these matters which
9 it might have made in the original proceeding, except as
10 herein otherwise provided. Except for an award of the right
11 of occupancy of the homestead, all divisions of real and
12 personal property provided by ~~sections~~ section 518.58 ~~and~~
13 ~~518.59~~ shall be final, and subject only to the power of the
14 court to impose a lien or charge thereon at any time while
15 such property, or subsequently acquired property, is owned
16 by the parties or either of them, for the payment of alimony
17 or support money, or to sequester the property as is
18 provided by section 518.24.

19 Sec. 5. Minnesota Statutes 1974, Section 518.65, is
20 amended to read:

21 518.65 [PROPERTY; SALE, PARTITION.] In order to effect
22 a division or award of property as is provided by ~~sections~~
23 section 518.58 ~~and 518.59~~, the court may order any such
24 property sold or partitioned. Personal property may be
25 ordered sold in such manner as shall be directed by the
26 court, and real estate may be partitioned in the manner
27 provided by Minnesota Statutes 1949, Chapter 558 insofar as
28 the same is applicable.

29 Sec. 6. Minnesota Statutes 1974, Sections 518.59 and
30 518.63, are repealed.

House
Companion
No.

DUPLICATE

S. F. NO. 1388

A bill for an act relating to public health; requiring school nurses to take throat cultures and test for infection; amending Minnesota Statutes 1974, Section 145.085, Subdivision 1.

B. D. No. B2858

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators Kawalecyk
Lewis (2/26/76) Knutson (2/26/76)
★ Read FIRST TIME APR 10 1975 and Referred to the
Committee on HEALTH, WELFARE AND CORRECTIONS
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

☐ OTHER ACTION
Refer to back of cover for other
action.

☐ CONFERENCE COMMITTEE ACTION
Refer to back of cover for conference
committee action.

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Printed Page No.

S. F.

No.

1388

Mr. Kowalczyk introduced--

S. F. No. 1388: Referred to the Committee on HEALTH, WELFARE AND CORRECTIONS

1 A bill for an act

2 relating to public health; requiring school nurses
3 to take throat cultures and test for infection;
4 amending Minnesota Statutes 1974, Section 145.085,
5 Subdivision 1.

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

7 Section 1. Minnesota Statutes 1974, Section 145.085,
8 Subdivision 1, is amended to read:

9 145.085 [THROAT CULTURES OF SCHOOL CHILDREN AND FAMILY,
10 NURSES QUALIFIED.] Subdivision 1. A school nurse shall, or,
11 if a school does not have a nurse, a public health nurse
12 assigned to the school or a nurse with whom the school
13 district has contracted to provide health care services may
14 , take throat cultures of school children for the purpose of
15 detecting streptococcus infection. The nurse taking the
16 culture shall make use of any available incubator at the
17 school and take readings of the incubated matter in order to
18 detect the presence of the infection. If the student has a
19 positive culture, the entire family may also have cultures
20 taken by the aforementioned person. A nominal charge may be
21 made by the school board to cover the cost of materials and
22 laboratory fees.

House
Companion
No.

DUPLICATE
FIRST ENGROSSMENT

S. F. NO. 1388

A bill for an act relating to public health; requiring school nurses to take throat cultures and test for infection; amending Minnesota Statutes 1974, Section 145.085, Subdivision 1.

B. D. No. B2858

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators Kowaleczyk
Lewis (2/26/76) Knutson (2/26/76)
Read FIRST TIME APR 10 1975 and Referred to the
Committee on HEALTH, WELFARE AND CORRECTIONS

Committee Recommendation and Adoption of Report

To Pass as Amended FEB 23 1976

★ Read SECOND TIME FEB 23 1976
Committee of the Whole

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

☐ OTHER ACTION
Refer to back of cover for other
action.

☐ CONFERENCE COMMITTEE ACTION
Refer to back of cover for conference
committee action.

Printed Page No.

S. F. No. 1388

1388

Introduced by Kowalczyk.
Read First Time Apr. 10, 1975, and Referred to the
Committee on Health, Welfare and Corrections.
Committee Recommendation. To Pass as Amended.
Committee Report Adopted Feb. 23, 1976.
Read Second Time Feb. 23, 1976.

A bill for an act

1
2 relating to public health; requiring school nurses
3 to take throat cultures and test for infection;
4 amending Minnesota Statutes 1974, Section 145.085,
5 Subdivision 1.
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
7 Section 1. Minnesota Statutes 1974, Section 145.085,
8 Subdivision 1, is amended to read:
9 145.085 [THROAT CULTURES OF SCHOOL CHILDREN AND FAMILY,
10 NURSES QUALIFIED.] Subdivision 1. A school nurse or, if a
11 school does not have a nurse, a public health nurse assigned
12 to the school or a nurse with whom the school district has
13 contracted to provide health care services ~~may~~ shall take
14 throat cultures of school children who have been referred to
15 the nurse for the purpose of detecting streptococcus
16 infection. A nurse may not take a throat culture unless the
17 school has received a signed permission slip from the
18 child's parent or guardian. Each school shall provide an
19 incubator for use by the nurse taking the culture. The
20 nurse shall take readings of the incubated matter in order
21 to detect the presence of the infection. If the student has
22 a positive culture he shall be referred by the nurse to a
23 licensed physician for further examination, and may not

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1 return to the school without a written statement from the
2 physician that the presence of the student in the school
3 does not endanger the health of other persons in the school.
4 In addition , the entire family of a student who has a
5 positive throat culture may also have cultures taken by the
6 ~~mentioned~~ person nurse . A nominal charge may be made
7 by the school board to cover the cost of materials ,
8 including the cost of the incubator, and laboratory fees.
9 The state board of health shall periodically conduct
10 training sessions for school nurses related to the
11 provisions of this section.

House
Companion
No.

DUPLICATE

SECOND ENGROSSMENT

S. F. NO. 1388

A bill for an act relating to public health; requiring school nurses to take throat cultures and test for infection; amending Minnesota Statutes 1974, Section 145.085, Subdivision 1.

B. D. No. B2858

COMPARISON ACTION

Date _____
_____ moved that
_____ F. No. _____ and _____ F. No. _____
be referred for comparison.

Date _____
Upon motion of _____
_____ F. No. _____ was substituted
for _____ F. No. _____ which
was indefinitely postponed.

(SENATE ACTION)

Received from House _____
Laid on Table _____
Taken from Table _____

CONCURRENCE

Date _____
The Senate concurred in House amendments to
S. F. No. _____ and repassed
the bill as amended.

Secretary of the Senate

SENATE ACTION

1388

Introduced by Senators Kowalczyk
Lewis (2-26-76) Knutson (2-26-76)
★ Read FIRST TIME APR 10 1975 and Referred to the
Committee on HEALTH, WELFARE AND CORRECTIONS
Committee Recommendation and Adoption of Report
To Pass as Amended FEB 23 1976

★ Read SECOND TIME FEB 23 1976
Committee of the Whole
To Pass as Amended MAR 4 1976

★ Read THIRD TIME
Passed by the Senate
Transmitted to the House

Secretary of the Senate
State of Minnesota

HOUSE ACTION

House Companion
is H. F. No. _____

★ Read FIRST TIME _____ and Referred to the
Committee on _____
Committee Recommendation and Adoption of Report

★ Read SECOND TIME
Committee of the Whole

★ Read THIRD TIME
Passed by the House
Returned to the Senate

Chief Clerk, House of Representatives
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference
committee action.

Printed Page No.

S. F. No. 1388

SENATE
STATE OF MINNESOTA
SIXTY-NINTH LEGISLATURE

717

S. F. NO. 1388

1388

Introduced by Kowalczyk, Lewis and Knutson.
Read First Time Apr. 10, 1976, and Referred to
the Committee on Health, Welfare and Corrections.
Committee Recommendation. To Pass as Amended.
Committee Report Adopted Feb. 23, 1976.
Read Second Time Feb. 23, 1976.
Committee of the Whole. To Pass as Amended Mar. 4, 1976.

1 A bill for an act

2 relating to public health; requiring school nurses
3 to take throat cultures and test for infection;
4 amending Minnesota Statutes 1974, Section 145.085,
5 Subdivision 1.

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

7 Section 1. Minnesota Statutes 1974, Section 145.085,

8 Subdivision 1, is amended to read:

9 145.085 [THROAT CULTURES OF SCHOOL CHILDREN AND FAMILY,
10 NURSES QUALIFIED.] Subdivision 1. A school nurse, on the
11 days when she is on regular duty at a school, or, if a
12 school does not have a nurse, a public health nurse assigned
13 to the school or a nurse with whom the school district has
14 contracted to provide health care services-~~may~~, shall take
15 throat cultures of school children who have been referred to
16 the nurse for the purpose of detecting streptococcus
17 infection. A nurse may not take a throat culture unless the
18 school has received a signed permission slip from the
19 child's parent or guardian. Each school shall provide an
20 incubator for use by the nurse taking the culture. The
21 nurse shall take readings of the incubated matter in order
22 to detect the presence of the infection. If the student has
23 a positive culture he shall be referred by the nurse to a

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- 1 licensed physician for further examination, and may not
2 return to the school without a written statement from the
3 physician that the presence of the student in the school
4 does not endanger the health of other persons in the school.
5 In addition , the entire family of a student who has a
6 positive throat culture may also have cultures taken by the
7 forementioned-person nurse . A nominal charge may be made
8 by the school board to cover the cost of materials ,
9 including the cost of the incubator, and laboratory fees.
10 The state board of health shall periodically conduct
11 training sessions for school nurses related to the
12 provisions of this section.