

Sec. 8. **[148B.47] RENEWALS.**

Notwithstanding any other law, the board shall adopt rules providing for the renewal of filings. The rules shall specify the period of time for which a filing is valid, procedures and information required for the renewal, and renewal fees.

Sec. 9. **[148B.48] REPORTS.**

Subdivision 1. COMMISSIONER OF HEALTH. The commissioner of health shall review the report of the office under sections 214.001, 214.13, and 214.141. The commissioner shall make recommendations to the legislature by January 15, 1991, on the need for registration or licensure of unlicensed mental health service providers and the need to retain the board of unlicensed mental health service providers.

Subd. 2. BOARD OF UNLICENSED MENTAL HEALTH SERVICE PROVIDERS. The board of unlicensed mental health service providers must report on the board's findings and activities to the commissioner of health and the legislature by July 1, 1990. The board shall report to the legislature on or before January 15, 1991, with recommendations on whether providers who are not trained should be allowed to continue to practice.

Subd. 3. LEGISLATIVE INTENT. Nothing in this section is intended to require the commissioner of health to delay review of applications for credentialing pursuant to sections 214.13 and 214.141 pending the outcome of the reports required under this section.

Sec. 10. **APPROPRIATION.**

\$835,000 is appropriated from the special revenue fund to the office of social work and mental health boards.

Sec. 11. **SUNSET.**

Article 4, sections 1 to 8, are repealed effective July 1, 1991.

Approved June 1, 1987

CHAPTER 348—H.F.No. 794

An act relating to waste management; regulating disposal of wastes; providing for a solid waste management policy; providing for recycling policy and marketing; managing household hazardous wastes; regulating the sale and disposal of motor oil and lead acid batteries; providing for waste pesticide collection; appropriating money; amending Minnesota Statutes 1986, sections 115A.03, subdivisions 9 and 21; 115A.06, subdivision 14; 115A.11, subdivision 2; 115A.15, subdivision 6; 115A.152; 115A.154; 115A.156, subdivisions 1, 2, and 5; 115A.158, subdivisions 1 and 2; 115A.42; 115A.45; 115A.49; 115A.51; 115A.52; 115A.53;

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115A.54, subdivision 2a; 115A.81, subdivision 2; 115A.921; 115A.95; 116.07, subdivision 4b; 116.41, subdivision 2; 116M.07, by adding a subdivision; 176.011, subdivision 9; 239.09; 239.52; 325E.11; 473.149, subdivisions 2d and 6; 473.803, by adding a subdivision; 473.834, subdivision 2; 473.842, subdivision 2; 473.844, subdivisions 1 and 4; and 473.846; Laws 1984, chapter 644, section 85; proposing coding for new law in Minnesota Statutes, chapters 115A; 239; 325E; and 473; repealing Minnesota Statutes 1986, sections 115A.13; 115A.43; 115A.44; 473.834, subdivision 3; and 473.844, subdivisions 2 and 5.

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

Section 1. Minnesota Statutes 1986, section 115A.03, subdivision 9, is amended to read:

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

Sec. 2. Minnesota Statutes 1986, section 115A.03, subdivision 21, is amended to read:

Subd. 21. "Mixed municipal solid waste" means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, used oil, and other materials collected, processed, and disposed of as separate waste streams.

Sec. 3. Minnesota Statutes 1986, section 115A.06, subdivision 14, is amended to read:

Subd. 14. **WASTE RENDERED NONHAZARDOUS AND INDUSTRIAL WASTE; EVALUATION OF WASTE MANAGEMENT.** The board ~~may evaluate and make recommendations for the~~ shall encourage improved management of waste rendered nonhazardous and industrial waste that should be managed separately from mixed municipal solid waste, and may provide technical and planning assistance to political subdivisions, waste generators, and others for the purpose of identifying, developing, and implementing alternative management methods for those wastes.

Sec. 4. **[115A.072] PUBLIC EDUCATION ON WASTE MANAGEMENT.**

The board shall provide for the development and implementation of a program of general public education on waste management in cooperation and coordination with the pollution control agency, metropolitan council, department of education, department of agriculture, state planning agency, environmental quality board, environmental education board, educational institutions, and other public agencies with responsibility for waste management or public education. The objectives of the program are to: develop increased public

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awareness of and interest in environmentally sound waste management methods; encourage better informed decisions on waste management issues by business, industry, local governments, and the public; and disseminate practical information about ways in which households and other institutions and organizations can improve the management of waste.

Sec. 5. Minnesota Statutes 1986, section 115A.11, subdivision 2, is amended to read:

Subd. 2. **PROCEDURE.** The plan and the procedures for hearings on the plan are not subject to the rulemaking or contested case provisions of chapter 14. Before revising the draft plan ~~prepared under subdivision 3~~ or amending its adopted plan, the board shall provide notice and hold a public hearing in a manner consistent with the procedure followed by the board in the hearings on the draft plan, ~~as provided in subdivision 3 and approved by the legislative commission meeting.~~

Sec. 6. Minnesota Statutes 1986, section 115A.15, subdivision 6, is amended to read:

Subd. 6. **RESOURCE RECOVERY REVOLVING ACCOUNT.** Upon the certification of the commissioner of administration, the commissioner of finance shall establish an account in the general services revolving fund, effective June 30, 1980, for the operation of the state government resource recovery program. The revolving account shall consist of all funds appropriated by the state for the program, all revenues resulting from the sale of recyclable and reusable commodities made available for sale as a result of the resource recovery program and all reimbursements to the commissioner of expenses incurred by the commissioner in developing and administering resource recovery systems for state agencies, local governments, and regional agencies. The account may be used for all activities associated with the program including payment of administrative and operating costs, except statewide and agency indirect costs. The commissioner shall determine the waste disposal cost savings associated with recycling and reuse activities, collect those savings from the account responsible for disposing of wastes produced in state buildings, and credit the savings to the resource recovery revolving account.

Sec. 7. Minnesota Statutes 1986, section 115A.152, is amended to read:

115A.152 TECHNICAL AND RESEARCH ASSISTANCE TO GENERATORS.

Subdivision 1. **PURPOSES.** The board shall provide for the establishment of a technical and research assistance program for generators of hazardous and industrial waste in the state. The program must be designed to assist generators in the state to obtain information about management of hazardous and industrial wastes, to identify and apply methods of reducing the generation of hazardous and industrial wastes, to facilitate improved management of hazardous and industrial waste and compliance with hazardous and industrial waste rules, and

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for other similar purposes. The program must emphasize assistance to smaller businesses that have inadequate technical and financial resources for obtaining information, assessing waste management methods, and developing and applying waste reduction techniques. Information and techniques developed under this program must be made available through the program to all generators in the state.

Subd. 2. **ASSISTANCE.** The assistance program must include at least the following elements:

(a) (1) outreach programs including on-site consultation at locations where hazardous and industrial waste is generated, seminars, workshops, training programs, and other similar activities designed to assist generators to evaluate their hazardous and industrial waste generation and management practices, identify opportunities for waste reduction and improved management, and identify subjects that require additional information and research;

(b) (2) a program to assemble, catalog, and disseminate information about hazardous and industrial waste reduction and management methods, available commercial waste management facilities and consultant services, and regulatory programs (provided that specific questions by generators about interpretation or application of waste management rules should be referred to appropriate regulatory agencies);

(c) (3) evaluation and interpretation of information needed by generators to improve their management of hazardous and industrial waste; and

(d) (4) informational and technical research to identify alternative technical solutions that can be applied by specific generators to reduce the generation of hazardous and industrial waste.

Subd. 3. **ADMINISTRATION; EVALUATION.** The assistance program must be coordinated with other public and private programs that provide management and technical assistance to smaller businesses and generators of small quantities of hazardous and industrial waste, including programs operated by public and private educational institutions. The board may make grants to a public or private person or association that will establish and operate the elements of the program, but the grants must require that the assistance be provided at no cost to the generators and that the grantees provide periodic reports on the improvements in waste management, waste reduction, and regulatory compliance achieved by generators through the assistance provided.

Sec. 8. Minnesota Statutes 1986, section 115A.154, is amended to read:

115A.154 WASTE REDUCTION GRANTS.

Subdivision 1. **PROPOSALS AND GRANTS.** The board may make grants to generators of hazardous and industrial waste in the state for studies to determine the feasibility of applying specific methods and technologies to reduce the

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generation of hazardous and industrial waste. Grants may be awarded only on the basis of proposals submitted to the board by generators. The board shall select proposals that offer the greatest opportunity to significantly reduce the generation of hazardous or industrial waste by the generators making the proposal and, if applied generally, to significantly reduce the generation of hazardous or industrial waste in the state. The significance of waste reduction may be measured by the volume of hazardous or industrial waste that is eliminated or by the reduction in risk to public health and safety and the environment that is achieved by the reduction. In awarding grants, the board may consider the extent of any financial and technical support that will be available from other sources for the study. The board may adopt additional criteria for awarding grants consistent with the purposes of this section.

Subd. 2. **LIMITATIONS.** The waste reduction information and techniques developed using grants awarded under this section must be made available to all hazardous and industrial waste generators in the state through the technical assistance and research program established under section 115A.152. Grant money awarded under this section may not be spent for capital improvements or equipment.

Sec. 9. Minnesota Statutes 1986, section 115A.156, subdivision 1, is amended to read:

Subdivision 1. **PURPOSE.** The board may make grants to eligible recipients to determine the feasibility and method of developing and operating specific types of commercial facilities and services for collecting and processing hazardous waste and for improving management of waste rendered nonhazardous and industrial waste. Grants may be made for:

- (1) market assessment, including generator surveys;
- (2) conceptual design and preliminary engineering;
- (3) financial and business planning necessary to address sources of funding, financial security, liability, pricing structure, and similar matters necessary to the development and proper operation of a facility or service;
- (4) environmental impact and site analysis, preparation of permit applications, and environmental and permit reviews;
- (5) analysis of methods of overcoming identified technical, institutional, legal, regulatory, market, or other constraints; and
- (6) analysis of other factors affecting development, operation, and use of a facility or service.

Sec. 10. Minnesota Statutes 1986, section 115A.156, subdivision 2, is amended to read:

Subd. 2. **ELIGIBILITY.** A person proposing to develop and operate specific

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collection and processing facilities or services to serve generators in the state ~~is~~ and persons seeking to develop or operate specific types of facilities or services to manage industrial waste generated in the state, are eligible for a grant. The board may give preference to applications by associations of two or more generators in the state proposing to develop and operate commercial facilities or services capable of collecting or processing their hazardous wastes.

Sec. 11. Minnesota Statutes 1986, section 115A.156, subdivision 5, is amended to read:

Subd. 5. **MATCHING FUNDS REQUIRED.** (a) For hazardous waste, a recipient other than an association of generators in the state must agree to pay at least 50 percent of the cost of the study. An association of two or more generators in the state must agree to pay at least 20 percent of the cost of the study.

(b) For industrial waste, a grant must be matched by money or in-kind services provided by the grantee covering at least 50 percent of the project cost.

Sec. 12. Minnesota Statutes 1986, section 115A.158, subdivision 1, is amended to read:

Subdivision 1. **REQUEST BY BOARD; CONTENTS OF PROPOSAL.** The board through its chair shall request proposals for the development and operation of specific types of commercial hazardous waste processing and collection facilities and services, and improved management of waste rendered non-hazardous and industrial waste, that offer the greatest possibility of achieving the policies and objectives of the waste management plan including the goal of reducing to the greatest extent feasible and prudent the need for and practice of disposal. The proposals must contain at least the following information:

(1) the technical, managerial, and financial qualifications and experience of the proposer in developing and operating facilities and services of the type proposed;

(2) the technical specifications of the proposed facility or service including the process that will be used, the amount and types of hazardous or industrial waste that can be handled, the types, volume, and proposed disposition of any residuals, and a description of anticipated adverse environmental effects;

(3) the requirements of the site or sites needed to develop and operate the facility or service and the likelihood that a suitable site or sites will be available for the facility or service;

(4) projections of the costs and revenues of the facility or service, the types and numbers of generators who will use it, and the fee structure and estimated user charges necessary to make the facility or services economically viable;

(5) the schedule for developing and commencing operation of the facility or service; and

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(6) the financial, technical, institutional, legal, regulatory, and other constraints that may hinder or prevent the development or operation of the facility or service and the actions that could be taken by state and local governments or by the private sector to overcome those constraints.

The information provided in the proposal must be based on current and projected market conditions, hazardous or industrial waste streams, legal and institutional arrangements, and other circumstances specific to the state.

Sec. 13. Minnesota Statutes 1986, section 115A.158, subdivision 2, is amended to read:

Subd. 2. **PROCEDURE; EVALUATION; REPORT.** In requesting proposals, the board shall inform potential developers of the assistance available to them in siting and establishing hazardous waste processing and collection facilities and services in the state and improved industrial waste management in the state, including the availability of sites listed on the board's inventory of preferred areas for hazardous waste processing facilities, the authority of the board to acquire sites and order the establishment of facilities in those areas, the policies and objectives of the hazardous waste management plan, and the availability of information developed by the board on hazardous or industrial waste generation and management in the state.

The board shall evaluate the proposals received in response to its request and determine the extent to which the proposals demonstrate the qualifications of the developers, the technical and economic feasibility of the proposed facility or service, and the extent to which the proposed facility or service will contribute in a significant way to the achievement of the policies and objectives of the hazardous waste management plan.

The board shall report to the legislative commission on the proposals that it has received and evaluated, and on the legislative, regulatory, and other actions needed to develop and operate the proposed facilities or services.

Sec. 14. [115A.411] SOLID WASTE MANAGEMENT POLICY; CONSOLIDATED REPORT.

Subdivision 1. AUTHORITY; PURPOSE. The board and the agency shall jointly prepare and adopt a report on solid waste management policy excluding the metropolitan area. The report must be adopted by November 15 of each even-numbered year beginning in 1988. The report must be submitted by the board and the agency jointly to the legislative commission on waste management.

Subd. 2. CONTENTS. The report must include:

(1) a summary of the current status of solid waste management, including the amount of solid waste generated, the manner in which it is collected, processed, and disposed, the extent of separation, recycling, reuse, and recovery of

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solid waste, and the facilities available or under development to manage the waste;

(2) a summary of current state solid waste management policies, goals, and objectives, including their statutory, administrative, and regulatory basis and the state agencies and political subdivisions responsible for implementation;

(3) an evaluation of the extent and effectiveness of implementation and an assessment of progress in accomplishing state policies, goals, and objectives;

(4) estimates of the generation of solid waste anticipated for the future, the manner in which the waste is likely to be managed, and the programs and facilities that will be available and needed for proper waste management;

(5) identification of issues requiring further research, study, and action, the appropriate scope of the research, study, or action, the state agency or political subdivision that should implement the research, study, or action, and a schedule for completion of the activity; and

(6) recommendations for establishing or modifying state solid waste management policies, authorities, and programs.

Sec. 15. Minnesota Statutes 1986, section 115A.42, is amended to read:

115A.42 ESTABLISHMENT AND ADMINISTRATION.

There is established a planning assistance program to provide technical and financial assistance to political subdivisions of the state for the purposes of encouraging and improving encourage and improve regional and local solid waste management planning activities and efforts and ~~of furthering to further~~ the state policies and purposes expressed in section 115A.02. The program ~~shall be under sections 115A.42 to 115A.46~~ is administered by the agency pursuant to rules promulgated under chapter 14, except in the metropolitan area where the program ~~shall be~~ is administered by the metropolitan council pursuant to chapter 473. The agency and the metropolitan council shall ensure conformance with federal requirements and programs established pursuant to the Resource Conservation and Recovery Act of 1976 and amendments thereto.

Sec. 16. Minnesota Statutes 1986, section 115A.45, is amended to read:

115A.45 TECHNICAL ASSISTANCE.

The agency and metropolitan council shall provide for technical assistance for eligible recipients to encourage and improve solid waste management and to assist political subdivisions in preparing the plans described in section 115A.46. The agency and metropolitan council shall provide model plans for regional and local solid waste management. The agency and metropolitan council may contract for the delivery of technical assistance by a regional development commission, any state or federal agency, ~~or~~ private consultants, or other persons. The agency shall prepare and publish an inventory of sources of technical assistance

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for solid waste planning, including studies, publications, agencies, and persons available.

Sec. 17. [115A.48] MARKET DEVELOPMENT FOR RECYCLABLE MATERIALS.

Subdivision 1. AUTHORITY. The board shall assist and encourage the development of specific facilities and services needed to provide adequate, stable, and reliable markets for recyclable materials generated in the state. In carrying out this duty the board shall coordinate and cooperate with the solid waste management efforts of other public agencies and political subdivisions.

Subd. 2. FACILITY DEVELOPMENT PROPOSALS. In order to determine the feasibility and method of developing and operating specific types of facilities and services to use recyclable materials generated in the state, the board shall request proposals from and may make grants to persons seeking to develop or operate the facilities or services. Grants may be made for the purposes in section 115A.156, subdivision 1, clauses (1) to (6). A grant must be matched by money or in-kind services provided by the grantee covering at least 50 percent of the project cost. In requesting proposals under this section the board shall follow the procedures provided in section 115A.158, subdivisions 1 and 2, as far as practicable.

Subd. 3. PUBLIC PROCUREMENT. The board shall provide technical assistance and advice to political subdivisions and other public agencies to encourage solid waste reduction and development of markets for recyclable materials through procurement policies and practices.

Sec. 18. Minnesota Statutes 1986, section 115A.49, is amended to read:

115A.49 ESTABLISHMENT; PURPOSES AND PRIORITIES.

There is established a program to encourage and assist cities, counties, and solid waste management districts in the development and implementation of solid waste management projects and to transfer the knowledge and experience gained from such projects to other communities in the state. The program must be administered to encourage local communities to develop feasible and prudent alternatives to disposal, including waste reduction; waste separation by generators, collectors, and other persons; and waste processing. The program must be administered by the ~~agency~~ and the board in accordance with the requirements of sections 115A.49 to 115A.54 and rules promulgated by the ~~agency~~ and the board pursuant to chapter 14. In administering the program, ~~the agency and the~~ board shall give priority to areas where natural geologic and soil conditions are especially unsuitable for land disposal of solid waste; areas where the capacity of existing solid waste disposal facilities is determined by the agency or the board to be less than five years; and projects serving more than one local government unit.

Sec. 19. Minnesota Statutes 1986, section 115A.51, is amended to read:

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115A.51 APPLICATION REQUIREMENTS.

Applications for assistance under the program shall demonstrate: (a) that the project is conceptually and technically feasible; (b) that affected political subdivisions are committed to implement the project, to provide necessary local financing, and to accept and exercise the government powers necessary to the project; (c) that operating revenues from the project, considering the availability and security of sources of solid waste and of markets for recovered resources, together with any proposed federal, state, or local financial assistance, will be sufficient to pay all costs over the projected life of the project; (d) that the applicant has evaluated the feasible and prudent alternatives to disposal and has compared and evaluated the costs of the alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators. The ~~agency or the board~~ may require completion of a comprehensive solid waste management plan conforming to the requirements of section 115A.46, before accepting an application.

Sec. 20. Minnesota Statutes 1986, section 115A.52, is amended to read:

115A.52 TECHNICAL ASSISTANCE FOR PROJECTS.

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

Sec. 21. Minnesota Statutes 1986, section 115A.53, is amended to read:

115A.53 WASTE REDUCTION AND SEPARATION PROJECTS.

The ~~agency board~~ shall provide ~~technical assistance and~~ grants to develop and implement projects which demonstrate for waste reduction; waste separation by generators, collectors, and other persons; and collection systems for separated waste. Activities eligible for assistance under this section include legal, financial, economic, educational, marketing, social, governmental, and administrative activities related to the development and implementation of the project. Preliminary planning and development, feasibility study, and conceptual design costs ~~shall also be~~ are eligible activities, but no more than 20 percent of program funds shall be used to fund those activities. Projects may include the management of household hazardous waste, as defined in section 29. The rules of the

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agency board shall prescribe the level or levels of local funding required for grants under this section.

Sec. 22. Minnesota Statutes 1986, section 115A.54, subdivision 2a, is amended to read:

Subd. 2a. **SOLID WASTE MANAGEMENT PROJECTS.** (a) The board shall provide technical and financial assistance for the acquisition and betterment of solid waste management projects as provided in this subdivision and section 115A.52. ~~The purpose of this program is to demonstrate whether an ongoing state capital assistance program to assist local development of feasible and prudent alternatives to disposal is an appropriate and desirable method to further state waste management policies.~~ Money appropriated for the purposes of this subdivision must be distributed as grants.

(b) Except as provided in paragraph (c), a project may receive grant assistance up to 25 percent of the capital cost of the project or \$2,000,000, whichever is less. ~~Projects that are awarded assistance by the board pursuant to applications submitted under sections 115A.49 to 115A.54 before July 1, 1985, are eligible for additional assistance under this subdivision, but a project may not receive a total amount of grant assistance in excess of the limits specified in this subdivision~~

(c) A recycling project or a project to compost or co-compost waste may receive grant assistance up to 50 percent of the capital cost of the project or \$2,000,000, whichever is less.

(d) Projects without resource recovery are not eligible for assistance.

(e) In addition to any assistance received under clause (b) or (c), a project may receive grant assistance for the cost of tests necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project.

(f) In addition to the application requirements of section 115A.51, an application for a project serving eligible jurisdictions in only a single county must demonstrate that cooperation with jurisdictions in other counties to develop the project is not needed or not feasible. Each application must also demonstrate that:

(1) if the project is a resource recovery facility that is burning waste, or converting waste to energy or to materials for combustion, and is owned or operated by a public agency or supported by public money or by obligations issued by a public agency, it will not accept recyclable materials except for transfer to a recycler; and

(2) the project is not financially feasible ~~prudent~~ without the state assistance, because of the applicant's financial capacity and the problems inherent in the waste management situation in the area, particularly transportation distances and limited waste supply and markets for resources recovered.

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(g) For the purposes of this subdivision, a "project" means a processing facility, together with any transfer stations, transmission facilities, and other related and appurtenant facilities primarily serving the processing facility. The board shall adopt rules for the program by July 1, 1985.

Sec. 23. Minnesota Statutes 1986, section 115A.81, subdivision 2, is amended to read:

Subd. 2. **DESIGNATION.** "Designation" means a requirement by a waste management district or county that all or any portion of the mixed municipal solid waste that is generated within its boundaries or any service area thereof ~~and is deposited within the state~~ be delivered to a resource recovery facility identified by the district or county.

Sec. 24. **[115A.915] LEAD ACID BATTERIES; LAND DISPOSAL PROHIBITED.**

A person may not place a lead acid battery in mixed municipal solid waste or dispose of a lead acid battery after January 1, 1988. This section may be enforced by the agency pursuant to section 115.071.

Sec. 25. **[115A.916] USED OIL; LAND DISPOSAL PROHIBITED.**

A person may not place used oil in mixed municipal solid waste or dispose of used oil in a solid waste disposal facility after January 1, 1988, unless approved by the agency. This section may be enforced by the agency pursuant to section 115.071.

Sec. 26. Minnesota Statutes 1986, section 115A.921, is amended to read:

115A.921 CITY OR TOWN FEE AUTHORITY.

A city or town may ~~charge~~ impose a fee, not to exceed ~~45~~ 25 cents per cubic yard ~~of waste, or its equivalent, of solid waste accepted and disposed of on land,~~ to operators of facilities for the disposal of mixed municipal solid waste located within the city or town. The revenue from the fees ~~shall go~~ must be credited to the city or town general fund and used only for purposes of landfill abatement or for purposes of mitigating and compensating for the local risks, costs, and other adverse effects of facilities. Waste residue from energy and resource recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from one-half the amount of the fee imposed by a city or town under this section if there is at least an 85 percent volume reduction in the solid waste processed. Before any fee is reduced, the verification procedures of section 473.843, subdivision 1, paragraph (c), must be followed and submitted to the appropriate city or town.

Sec. 27. **[115A.94] ORGANIZED COLLECTION.**

Subdivision 1. DEFINITION. "Organized collection" means a system for

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collecting solid waste in which a specified collector, or a member of an organization of collectors, is authorized to collect from a defined geographic service area or areas some or all of the solid waste that is released by generators for collection.

Subd. 2. LOCAL AUTHORITY. A city or town may organize collection, after public notification as required in subdivision 4. A county may organize collection as provided in subdivision 5.

Subd. 3. GENERAL PROVISIONS. (a) The local government unit may organize collection as a municipal service or by ordinance, franchise, license, negotiated or bidded contract, or other means, using one or more collectors or an organization of collectors.

(b) The local government unit may not establish or administer organized collection in a manner that impairs the preservation and development of recycling and markets for recyclable materials. The local government unit shall exempt recyclable materials from organized collection upon a showing by the generator or collector that the materials are or will be separated from mixed municipal solid waste by the generator, separately collected, and delivered for reuse in their original form or for use in a manufacturing process.

(c) The local government unit may invite and employ the assistance of interested persons, including persons operating solid waste collection services, in developing plans and proposals for organized collection and in establishing the organized collection system.

(d) Organized collection accomplished by contract or as a municipal service may include a requirement that all or any portion of the solid waste, except (1) recyclable materials and (2) materials that are processed at a resource recovery facility at the capacity in operation at the time that the requirement is imposed, be delivered to a waste facility identified by the local government unit. In a district or county where a resource recovery facility has been designated by ordinance under section 115A.86, organized collection must conform to the requirements of the designation ordinance.

Subd. 4. CITIES AND TOWNS; NOTICE; PLANNING. (a) At least 90 days before proposing an ordinance, franchise, license, contract or other means of organizing collection, a city or town, by resolution of the governing body, shall announce its intent to organize collection and invite the participation of interested persons in planning and establishing the organized collection system.

(b) The resolution of intent must be adopted after a public hearing. The hearing must be held at least two weeks after public notice and mailed notice to persons known by the city or town to be operating solid waste collection services in the city or town. The failure to give mailed notice to persons or defect in the notice does not invalidate the proceedings, provided a bona fide effort to comply with notice requirements has been made.

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(c) During the 90 day period following the resolution of intent, and before proposing a method of organizing collection, the city or town shall develop or supervise the development of plans or proposals for organized collection.

(d) Upon request, the city or town shall provide mailed notice of subsequent proceedings on the organization of collection in the city or town.

Subd. 5. COUNTY ORGANIZED COLLECTION. (a) A county may by ordinance require cities and towns within the county to organize collection. Organized collection ordinances of counties may:

(1) require cities and towns to require the separation and separate collection of recyclable materials;

(2) specify the material to be separated; and

(3) require cities and towns to meet any performance standards for source separation that are contained in the county solid waste plan.

(b) A county may itself organize collection in any city or town that does not comply with a county organized collection ordinance adopted under this subdivision, and the county may implement, as part of its organized collection, the source separation program and performance standards required by its organized collection ordinance.

Sec. 28. Minnesota Statutes 1986, section 115A.95, is amended to read:

115A.95 RECYCLABLE MATERIALS.

A resource recovery facility that is composting waste, burning waste, or converting waste to energy or to materials for combustion, and is owned or operated by a public agency or supported by public funds or by obligations issued by a public agency, may not accept recyclable materials except for transfer to a recycler. ~~This section does not apply if, unless~~ no other person is willing to accept the recyclable materials.

Sec. 29. [115A.96] HOUSEHOLD HAZARDOUS WASTE MANAGEMENT.

Subdivision 1. DEFINITIONS. The following definitions apply to this section:

(a) "Household" means a single detached dwelling unit or a single unit of a multiple dwelling unit and appurtenant structures.

(b) "Household hazardous waste" means waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste under agency rules, but does not include waste from commercial activities that is generated, stored, or present in a household.

(c) "Collection site" means a permanent or temporary designated location with scheduled hours for collection where individuals may bring household hazardous wastes.

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Subd. 2. MANAGEMENT PROGRAM. The agency shall establish a program to manage household hazardous wastes. The program must include:

(1) the establishment and operation of collection sites; and

(2) the provision of information, education, and technical assistance regarding proper management of household hazardous wastes.

Subd. 3. OTHER PARTICIPANTS. The agency may establish or operate all or part of the management program or may provide for services by contract or other agreement with public or private entities.

Subd. 4. MANAGEMENT. Any person who establishes or operates all or part of a household hazardous waste management program shall manage collected waste in compliance with standards applicable to a hazardous waste generator. If collected waste must be stored for a time exceeding those standards, the agency or other entity shall obtain the approval of the director of the agency and shall manage the waste in compliance with applicable standards for the use and management of containers, but no facility permit is required.

Subd. 5. OTHER PROGRAMS. A person must notify the director of the agency before establishing and operating any part of a household hazardous waste management program.

Sec. 30. Minnesota Statutes 1986, section 116.07, subdivision 4b, is amended to read:

Subd. 4b. PERMITS; HAZARDOUS WASTE FACILITIES. (a) The agency shall provide to the waste management board established in section 115A.04, copies of each ~~preliminary and final~~ permit application for a hazardous waste facility immediately upon its submittal to the agency. The agency shall request recommendations on each permit application from the board and shall consult with the board on the agency's intended disposition of the recommendations. Except as otherwise provided in sections 115A.18 to 115A.30, the agency shall commence any environmental review required under chapter 116D within 120 days of its acceptance of a completed ~~preliminary~~ permit application. The agency shall respond to a ~~preliminary~~ permit application for a hazardous waste facility within 120 days following a decision not to prepare environmental documents or following the acceptance of a negative declaration notice or an environmental impact statement. Except as otherwise provided in sections 115A.18 to 115A.30, within 60 days following the submission of a final permit application for a hazardous waste facility, unless a time extension is agreed to by the applicant, the agency shall issue or deny all permits needed for the construction of the proposed facility.

(b) The agency shall promulgate rules pursuant to chapter 14 for all hazardous waste facilities; ~~except those addressed in subdivision 4e.~~ After the report of the waste management board required by section 115A.08, subdivision 5a has been submitted to the legislature, the agency shall review its rules for hazardous

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waste facilities and shall consider whether any of the rules should be modified or if new rules should be adopted based on the recommendations in the report. The rules shall require:

(1) contingency plans for all hazardous waste facilities which provide for effective containment and control in any emergency condition;

(2) the establishment of a mechanism to assure that money to cover the costs of closure and postclosure monitoring and maintenance of hazardous waste facilities will be available;

(3) the maintenance of liability insurance by the owner or operator of hazardous waste facilities during the operating life of the facility.

Sec. 31. Minnesota Statutes 1986, section 116.41, subdivision 2; is amended to read:

Subd. 2. **TRAINING AND CERTIFICATION PROGRAMS.** The agency shall develop standards of competence for persons operating and inspecting various classes of disposal facilities. The agency shall conduct training programs for persons operating facilities for the disposal of waste and for inspectors of such facilities, and may charge such fees as are necessary to cover the actual costs of the training programs. All fees received shall be paid into the state treasury and credited to ~~the account created in section 115.03, subdivision 1, clause (i); for training water pollution control personnel; a waste disposal training account~~ and are appropriated to the agency to pay expenses relating to the training of disposal facility personnel.

The agency shall require operators and inspectors of such facilities to obtain from the agency a certificate of competence. The agency shall conduct examinations to test the competence of applicants for certification, and shall require that certificates be renewed at reasonable intervals. The agency may charge such fees as are necessary to cover the actual costs of receiving and processing applications, conducting examinations, and issuing and renewing certificates. Certificates shall not be required for a private individual for landspreading and associated interim and temporary storage of sewage sludge on property owned or farmed by that individual.

Sec. 32. Minnesota Statutes 1986, section 116M.07, is amended by adding a subdivision to read:

Subd. 14. USED OIL PROCESSING EQUIPMENT LOANS; STORAGE TANK GRANTS. The authority may make loans to businesses for the purchase of used oil processing equipment based on the criteria adopted under subdivision 3.

The authority may make grants to counties for installation of storage tanks to collect used oil. To be eligible for a grant, a county must obtain approval from the director of the pollution control agency for the type of tank to be used.

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the location and installation of the tank, and the proposed ongoing maintenance and monitoring of the collection site. A tank may be located on public or private property and must be made available to the public for used oil disposal. A grant for a single tank may not exceed \$1,000 and a county may not receive more than \$5,000 in grants for storage tanks.

Sec. 33. Minnesota Statutes 1986, section 176.011, subdivision 9, is amended to read:

Subd. 9. **EMPLOYEE.** "Employee" means any person who performs services for another for hire including the following:

(1) an alien;

(2) a minor;

(3) a sheriff, deputy sheriff, constable, marshal, police officer, firefighter, county highway engineer, and peace officer while engaged in the enforcement of peace or in the pursuit or capture of any person charged with or suspected of crime and any person requested or commanded to aid an officer in arresting any person, or in retaking any person who has escaped from lawful custody, or in executing any legal process in which case, for purposes of calculating compensation payable under this chapter, the daily wage of the person requested or commanded to assist an officer or to execute a legal process shall be the prevailing wage for similar services where the services are performed by paid employees;

(4) a county assessor;

(5) an elected or appointed official of the state, or of any county, city, town, school district or governmental subdivision in it. An officer of a political subdivision elected or appointed for a regular term of office, or to complete the unexpired portion of a regular term, shall be included only after the governing body of the political subdivision has adopted an ordinance or resolution to that effect;

(6) an executive officer of a corporation, except an officer of a family farm corporation as defined in section 500.24, subdivision 1, clause (c), or an executive officer of a closely held corporation who is referred to in section 176.012;

(7) a voluntary uncompensated worker, other than an inmate, rendering services in state institutions under the commissioner of human services and state institutions under the commissioner of corrections similar to those of officers and employees of these institutions, and whose services have been accepted or contracted for by the commissioner of human services or the commissioner of corrections as authorized by law, shall be employees. In the event of injury or death of the voluntary uncompensated worker, the daily wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of the injury or death for similar services in institutions where the services are performed by paid employees;

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(8) a voluntary uncompensated worker engaged in peace time in the civil defense program when ordered to training or other duty by the state or any political subdivision of it, shall be an employee. The daily wage of the worker for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of the injury or death for similar services where the services are performed by paid employees;

(9) a voluntary uncompensated worker participating in a program established by a county welfare board shall be an employee. In the event of injury or death of the voluntary uncompensated worker, the wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid in the county at the time of the injury or death for similar services where the services are performed by paid employees working a normal day and week;

(10) a voluntary uncompensated worker accepted by the commissioner of natural resources who is rendering services as a volunteer pursuant to section 84.089 shall be an employee. The daily wage of the worker for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of injury or death for similar services where the services are performed by paid employees;

(11) a member of the military forces, as defined in section 190.05, while in state active service, as defined in section 190.05, subdivision 5a. The daily wage of the member for the purpose of calculating compensation payable under this chapter shall be based on the member's usual earnings in civil life. If there is no evidence of previous occupation or earning, the trier of fact shall consider the member's earnings as a member of the military forces;

(12) a voluntary uncompensated worker, accepted by the director of the Minnesota historical society, rendering services as a volunteer, pursuant to chapter 138, shall be an employee. The daily wage of the worker, for the purposes of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of injury or death for similar services where the services are performed by paid employees;

(13) a voluntary uncompensated worker, other than a student, who renders services at the Minnesota School for the Deaf or the Minnesota Braille and Sight-Saving School, and whose services have been accepted or contracted for by the state board of education, as authorized by law, shall be an employee. In the event of injury or death of the voluntary uncompensated worker, the daily wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of the injury or death for similar services in institutions where the services are performed by paid employees;

(14) a voluntary uncompensated worker, other than a resident of the veterans home, who renders services at a Minnesota veterans home, and whose services have been accepted or contracted for by the commissioner of veterans

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affairs, as authorized by law, is an employee. In the event of injury or death of the voluntary uncompensated worker, the daily wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of the injury or death for similar services in institutions where the services are performed by paid employees;

(15) a worker who renders in-home attendant care services to a physically handicapped person, and who is paid directly by the commissioner of human services for these services, shall be an employee of the state within the meaning of this subdivision, but for no other purpose;

(16) those students enrolled in and regularly attending the medical school of the University of Minnesota, whether in the graduate school program or the post-graduate program, notwithstanding that the students shall not be considered employees for any other purpose. In the event of the student's injury or death, the weekly wage of the student for the purpose of calculating compensation payable under this chapter, shall be the annualized educational stipend awarded to the student, divided by 52 weeks. The institution in which the student is enrolled shall be considered the "employer" for the limited purpose of determining responsibility for paying benefits payable under this chapter;

(17) a faculty member of the University of Minnesota employed for the current academic year is also an employee for the period between that academic year and the succeeding academic year if:

(a) the faculty member has a contract or reasonable assurance of a contract from the University of Minnesota for the succeeding academic year; and

(b) the personal injury for which compensation is sought arises out of and in the course of activities related to the faculty member's employment by the University of Minnesota; and

(18) a worker who performs volunteer ambulance driver or attendant services is an employee of the political subdivision, nonprofit hospital, nonprofit corporation, or other entity for which the worker performs the services. The daily wage of the worker for the purpose of calculating compensation payable under this chapter is the usual going wage paid at the time of injury or death for similar services if the services are performed by paid employees; and

(19) a voluntary uncompensated worker, accepted by the commissioner of administration, rendering services as a volunteer at the department of administration. In the event of injury or death of the voluntary uncompensated worker, the daily wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of the injury or death for similar services in institutions where the services were performed by paid employees; and

(20) a voluntary uncompensated worker rendering service directly to the pollution control agency. The daily wage of the worker for the purpose of calculating compensation payable under this chapter is the usual going wage paid at the time of injury or death for similar services if the services are performed by paid employees.

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In the event it is difficult to determine the daily wage as provided in this subdivision, then the trier of fact may determine the wage upon which the compensation is payable.

Sec. 34. Minnesota Statutes 1986, section 239.09, is amended to read:

239.09 SPECIAL POLICE OFFICERS.

The division and all authorized employees under the provisions of sections 239.01 to 239.10 and section 36 are hereby made special police officers and are authorized and empowered to arrest, without formal warrant, any violator of section 325E.11 and section 38 or of the statute in relation to weights and measures, and to seize for use as evidence and without formal warrant, any false weight, measure, or weighing or measuring device or package or kind of commodity found to be used, retained, or offered or exposed for sale or sold in violation of law.

Sec. 35. Minnesota Statutes 1986, section 239.52, is amended to read:

239.52 WEIGHTS AND MEASURES FEES.

The department of public service shall adjust the schedule of fees for regular and special weights and measures inspections to recover the amount of money appropriated for the weights and measures program, other than the cost of (1) checkweighing or the weighing of prepackaged goods to determine whether the content weight listed on the package is accurate, (2) testing for the quality of petroleum products, (3) inspections or investigations made as a result of a complaint received by the department, if the scale weight, measure, or weighing or measuring device is found to be correct, and (4) court appearances by department personnel on behalf of other governmental agencies, and (5) enforcement of section 325E.11 and section 38. The department of public service shall review and adjust its schedule of fees for regular and special inspections at the end of each six months and have all fees charged approved by the commissioner of finance before they are adopted, so as to insure that the fees charged shall be sufficient to pay all the recoverable costs connected with regular and special inspections during the fiscal year.

Sec. 36. [239.54] INSPECTION OF MOTOR OIL AND AUTOMOTIVE BATTERY RETAILERS.

The division shall produce, print, and distribute the notices required by section 325E.11 and section 38 and shall inspect all places where motor oil is offered for sale by persons subject to section 325E.11 and where lead acid batteries are offered for sale at retail subject to section 38 at least once every two years to determine compliance with those sections. In performing its duties under this section the division may inspect any place, building, or premises governed by section 325E.11 and section 38. Authorized employees of the division may issue warnings and citations to persons who fail to comply with the requirements of those sections.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 37. Minnesota Statutes 1986, section 325E.11, is amended to read:

325E.11 COLLECTION FACILITIES; NOTICE.

(a) Any person selling at retail or offering motor oil for retail sale in this state shall:

(a) (1) Post a notice indicating the nearest location, or a location within ten miles of the point of sale, where used motor oil may be returned for recycling or reuse; or

(b) (2) Provide a collection tank at the point of sale for the deposit and collection of used motor oil and post a notice of the availability of the tank.

~~The (b) A notice of recycling location under paragraph (a) shall be posted on or adjacent to the motor oil display itself and shall, be at least 8-1/2 inches by 11 inches in size. If a collection tank is available on the premises a sign of similar size shall be placed on or adjacent to the motor oil display informing the public that a collection tank is available, unless prohibited by local ordinance, contain the universal recycling symbol with the following language:~~

(1) "It is illegal to put used oil in the garbage.";

(2) "Recycle your used oil."; and

(3) (i) "There is a collection tank here for your used oil."; or

(ii) "The nearest collection tank for used oil is located at (name of business and address)."

(c) The division of weights and measures under the department of public service shall enforce compliance of this section as provided in section 36.

Sec. 38. [325E.115] **LEAD ACID BATTERIES; COLLECTION FOR RECYCLING.**

Subdivision 1. COLLECTION; NOTICE. (a) A person selling lead acid batteries at retail or offering lead acid batteries for retail sale in this state shall:

(1) accept, at the point of transfer, lead acid batteries from customers; and

(2) post written notice, which must be at least 8-1/2 inches by 11 inches in size and must contain the universal recycling symbol and the following language:

(i) "It is illegal to put a motor vehicle battery in the garbage.";

(ii) "Recycle your used batteries."; and

(iii) "State law requires us to accept motor vehicle batteries for recycling."

(b) Any person selling lead acid batteries at wholesale or offering lead acid batteries for sale at wholesale must accept, at the point of transfer, lead acid batteries from customers.

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Subd. 2. COMPLIANCE; MANAGEMENT. The division of weights and measures under the department of public service shall enforce compliance of subdivision 1 as provided in section 36. The director of the pollution control agency shall inform persons governed by subdivision 1 of requirements for managing lead acid batteries.

Sec. 39. Minnesota Statutes 1986, section 473.149, subdivision 2d, is amended to read:

Subd. 2d. **LAND DISPOSAL ABATEMENT PLAN.** By January 1, 1985, after considering any county land disposal abatement proposals and waste stream analysis that have been submitted by that date, pursuant to section 473.803, subdivision 1b, the council shall amend its policy plan to include specific and quantifiable metropolitan objectives for abating to the greatest feasible and prudent extent the need for and practice of land disposal of mixed municipal solid waste and of specific components of the solid waste stream, either by type of waste or class of generator. The objectives must be stated in annual increments through the year 1990 and thereafter in five-year increments through the year 2000. The plan must include a reduced estimate, based on the council's abatement objectives, of the added solid waste disposal capacity needed in appropriate sectors of the metropolitan area, stated in annual increments through the year 1990 and thereafter in five year increments through the year 2000. The plan must include measurable objectives for local abatement of solid waste through resource recovery and waste reduction and separation programs and activities for each metropolitan county and for cities of the first class, the second class, and the third class, respectively, stated in annual increments through the year 1990 and in five-year increments through the year 2000. The standards must be based upon and implement the council's metropolitan abatement objectives. The council's plan must include standards and procedures to be used by the council in determining whether a metropolitan county or class of cities within a metropolitan county has implemented the council's metropolitan land disposal abatement plan and has achieved the objectives for local abatement. ~~The council shall report on abatement to the legislative commission before January 1 of each year. The report must include an assessment of whether the objectives of the metropolitan abatement plan have been met and whether each county and each class of city within each county has achieved the objectives set for it in the council's plan. The report must recommend any legislation that may be required to implement the plan. If in any year the council reports that the objectives of the council's abatement plan have not been met, the council shall attach legislation to the report that reassigns appropriate governmental responsibilities among cities, counties, and metropolitan agencies so as to assure implementation and achievement of the metropolitan and local abatement plans and objectives.~~

Sec. 40. Minnesota Statutes 1986, section 473.149, subdivision 6, is amended to read:

Subd. 6. COST AND FINANCING ANALYSIS REPORT TO LEGISLATURE. By January 1, 1987, and The council shall report on abatement to the

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legislative commission on waste management by November 1 of each year. The report must include an assessment of whether the objectives of the metropolitan abatement plan have been met and whether each county and each class of city within each county have achieved the objectives set for it in the council's plan. The report must recommend any legislation that may be required to implement the plan. If in any year the council reports that the objectives of the council's abatement plan have not been met, the council shall evaluate and report on the need to reassign governmental responsibilities among cities, counties, and metropolitan agencies to assure implementation and achievement of the metropolitan and local abatement plans and objectives.

The report in each ~~odd-numbered~~ even-numbered year thereafter, the council shall report to the legislature must include a report on the operating, capital, and debt service costs of solid waste facilities in the metropolitan area; changes in the costs; the methods used to pay the costs; and the resultant allocation of costs among users of the facilities and the general public. The facility costs report must present the cost and financing analysis in the aggregate and broken down by county and by major facility.

Sec. 41. Minnesota Statutes 1986, section 473.803, is amended by adding a subdivision to read:

Subd. 1e. RECYCLING IMPLEMENTATION STRATEGY. (a) By December 1, 1988, each county shall submit for council approval a local recycling implementation strategy. The local recycling implementation strategy must:

(1) be consistent with the approved county master plan;

(2) identify the materials that will be recycled in the county, including at least yard waste and three other materials, and the parties responsible and method for recycling the material; and

(3) define the need for funds to ensure continuation of local recycling, methods of raising and allocating such funds, and permanent sources and levels of local funding for recycling.

(b) For the purposes of this subdivision, "recycling" includes yard waste composting and recycling that occurs at a waste facility through mechanical or hand separation of materials that are then delivered for reuse in their original form or for use in manufacturing processes.

Sec. 42. Minnesota Statutes 1986, section 473.834, subdivision 2, is amended to read:

Subd. 2. ALLOCATION OF DEBT SERVICE. The annual debt service on the council's solid waste bonds, issued under section 473.831, shall be annually apportioned and certified by the council to each county in the metropolitan area, in the proportion that the assessed value of all taxable property within each county bears to the assessed value of the taxable property in all the counties,

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except that the apportionment to each county shall first be adjusted to reflect exemptions from payment required by subdivision 1 ~~and reductions in payment required by subdivision 3.~~

Sec. 43. Minnesota Statutes 1986, section 473.842, subdivision 2, is amended to read:

Subd. 2. **MARKET DEVELOPMENT.** "Market development" means the location and facilitation of ~~economic~~ markets for materials, substances, energy, or other products contained within or derived from waste.

Sec. 44. Minnesota Statutes 1986, section 473.844, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT; PURPOSES.** The metropolitan landfill abatement fund is created as an account in the state treasury in order to reduce to the greatest extent feasible and prudent the need for and practice of land disposal of mixed municipal solid waste in the metropolitan area. The fund consists of revenue deposited in the fund under section 473.843, subdivision 2, clause (a) and interest earned on investment of money in the fund. All repayments to loans made under this section ~~shall~~ must be credited to the fund. ~~Except as otherwise provided in Laws 1984, chapter 644, section 81, subdivisions 2 and 3, and section 473.843, subdivision 7, The money in the fund may be spent, only for purposes of metropolitan landfill abatement as provided in subdivision 1a and only upon appropriation by the legislature; only.~~

Subd. 1a. USE OF FUNDS. The money in the fund may be spent only for the following purposes:

(1) solid waste management planning assistance in the metropolitan area under sections 115A.42 to 115A.46;

(2) grants and loans to any person for resource recovery projects and related public education in the metropolitan area under subdivision 4;

(3) grants and loans to any person for market development for reusable or recyclable waste materials as provided in subdivision 2, clause (a); and

(4) assistance to any person for resource recovery projects funded under subdivision 4 or projects to develop markets for reusable or recyclable waste materials, including related public education, planning, and technical assistance;

(2) grants to counties under section 46; and

(3) program administration and technical assistance by the metropolitan council as provided in subdivision 2, clause (b).

Sec. 45. Minnesota Statutes 1986, section 473.844, subdivision 4, is amended to read:

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Subd. 4. **RESOURCE RECOVERY GRANTS AND LOANS.** The grant and loan program under this subdivision is administered by the metropolitan council. Grants and loans may be made to any person for resource recovery projects. The grants and loans may include the cost of planning, acquisition of land and equipment, and capital improvements. Grants and loans for planning may not exceed 50 percent of the planning costs. Grants and loans for acquisition of land and equipment and for capital improvements may not exceed 50 percent of the cost of the project. Grants and loans may be made for public education on the need for the resource recovery projects. A grant or loan for land, equipment, or capital improvements may not be made until the metropolitan council has determined the total estimated capital cost of the project and ascertained that full financing of the project is assured. Grants and loans made to cities, counties, or solid waste management districts must be for projects that are in conformance with approved master plans. A grant or loan to a city or town must be reviewed and approved by the county for conformance with the county master plan.

Sec. 46. **[473.8441] LOCAL RECYCLING DEVELOPMENT PROGRAM.**

Subdivision 1. DEFINITIONS. "Number of households" has the meaning given in section 477A.011, subdivision 3a.

Subd. 2. PROGRAM. The council shall encourage the development of permanent local recycling programs throughout the metropolitan area. By January 1, 1988, the council shall develop performance indicators for local recycling that will measure the availability and use of recycling throughout the metropolitan area. The council shall make grants to qualifying metropolitan counties as provided in this section.

Subd. 3. GRANTS; ELIGIBLE COSTS. Grants may be used to pay for planning, developing, and operating yard waste composting and recycling programs.

Subd. 4. GRANT CONDITIONS. The council shall administer grants so that the following conditions are met:

(a) A county must apply for a grant in the manner determined by the council. The application must describe the activities for which the grant will be used.

(b) The activities funded must be consistent with the council's policy plan and the county master plan.

(c) A grant must be matched by equal county expenditures for the activities for which the grant is made.

(d) All grant funds must be used for new activities or to enhance or increase the effectiveness of existing activities in the county.

(e) Counties shall provide support to maintain effective municipal recycling where it is already established.

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Subd. 5. GRANT ALLOCATION PROCEDURE. (a) The council shall distribute the funds so that each qualifying county receives a base amount of \$25,000, plus a proportionate share of the remaining funds available for the program. A county's share is an amount that has the same proportion to the total remaining funds as the number of households in the county has to the total number of households in all metropolitan counties. The council shall distribute the funds in two parts.

(b) The first distribution consists of the base amount plus one-third of the county's proportionate share. To qualify for the first distribution, a county must submit an application for council approval before December 1, 1987. Not more than one-half of the first distribution may be spent for planning and consultants.

(c) The second distribution consists of the remaining funds available for the program. To qualify for the second distribution, a county must have received funds under the first distribution and must submit for council approval by December 1, 1988, a report on expenditures and activities under the program, a local recycling implementation strategy as required by section 41, and a proposed performance funding system that will allocate all of the remaining funds available under the program for recycling implementation activities in accordance with performance.

Sec. 47. Minnesota Statutes 1986, section 473.846, is amended to read:

473.846 REPORT TO LEGISLATURE.

By November 1, 1986, and each year thereafter, the agency and metropolitan council shall submit to the senate finance committee, the house appropriations committee, and the legislative commission on waste management separate reports describing the activities for which money from the landfill abatement and contingency action funds has been spent during the previous fiscal year. The council may incorporate its report in the report required by section 473.149. In its 1988 report, the council shall make recommendations to the legislature on the future management and use of the metropolitan landfill abatement fund.

Sec. 48. WASTE PESTICIDE COLLECTION; PILOT PROJECT.

Subdivision 1. PESTICIDE; DEFINITION. For the purposes of this section, "pesticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

Subd. 2. PROJECT. The pollution control agency in consultation and cooperation with the commissioner of agriculture shall design and implement a pilot project, to be completed by June 30, 1989, to:

- (1) collect and properly dispose of waste pesticides;
- (2) inform and educate the public regarding proper waste pesticide management; and

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(3) determine the current waste pesticide management methods and the nature and extent of problems associated with waste pesticides.

Subd. 3. COLLECTION AND DISPOSAL. The agency shall provide for the establishment and operation of temporary collection sites for waste pesticides. It may use its United States Environmental Protection Agency identification number to identify pesticides collected. The agency may limit the type and quantity of pesticides acceptable for collection and may assess persons bringing pesticides to the collection site for costs incurred by the agency to store, test, handle, and dispose of the pesticides.

Subd. 4. INFORMATION AND EDUCATION. The agency shall develop informational and educational materials to alert the public to proper methods of waste pesticide management.

Subd. 5. REPORT. During the pilot project, the agency shall conduct surveys and collect data on pesticide storage and disposal. By November 30, 1989, the agency shall report to the legislative commission on waste management its findings during the project and its recommendations for further legislation governing management of waste pesticides.

Subd. 6. DEPARTMENT OF AGRICULTURE; INVOLVEMENT. The commissioner of agriculture must be kept informed of project data and shall provide assistance and advice to the agency in operation of the project.

Subd. 7. MANAGEMENT AND DISPOSAL. The agency or other entity collecting waste pesticides must manage and dispose of the waste in compliance with applicable federal and state requirements.

Sec. 49. **PROCUREMENT OF RECYCLED MATERIALS.**

Subdivision 1. PROCUREMENT TEST FOR RECYCLED PAPER. The commissioner of administration shall provide for the establishment of a program to test the purchase of recycled printing and writing paper by the state.

Subd. 2. REPORT. By November 15, 1987, the commissioner of administration shall report to the legislative commission on waste management on the methods and results of the test purchase of recycled printing and writing paper, and any findings and recommendations about the definitions and bid specifications in state purchasing contracts; the availability, performance, appropriate uses, and price of paper and other products containing recycled material; potential state demand and viability of cooperative purchases with political subdivisions; appropriate recordkeeping and reporting mechanisms; and other similar matters of program design and administration.

Sec. 50. Laws 1984, chapter 644, section 85, is amended to read:

Sec. 85. **EFFECTIVE DATE.**

Sections 1 to 45, 48 to 51, 56 to 72, and 78 to 84 are effective the day

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following final enactment. Sections 46, 47, and 73 to 77 are effective January 1, 1985, except that the fees imposed in sections 46, 47, and 73 shall be effective January 1, ~~1988~~ 1990, with respect to nonhazardous solid waste from metalcasting facilities. Prior to January 1, ~~1988~~ 1990, an operator of a facility that is located in the metropolitan area for the disposal of mixed ~~minicipal~~ municipal solid waste shall deduct from the disposal charge for nonhazardous solid waste from metalcasting facilities the fee imposed under sections 46, 47, and 73.

Section 52 is effective for taxable years after December 31, 1983. Section 55 is effective for sales after June 30, 1984. Sections 53 and 54 are effective for taxable years after December 31, 1984.

Sec. 51. APPROPRIATIONS; COMPLEMENT.

Subdivision 1. APPROPRIATIONS. The following amounts are appropriated from the solid and hazardous waste account to the agencies and for the purposes and fiscal years specified:

	<u>1988</u>	<u>1989</u>
(a) <u>To the waste management board:</u>		
(1) <u>For nonhazardous and industrial waste grants and technical assistance under section 3</u> <u>\$ 25,000</u>		<u>\$ 25,000</u>
(2) <u>For public education under section 4</u> <u>95,000</u>		<u>95,000</u>
(3) <u>For the solid waste management policy report under section 14</u> <u>30,000</u>		<u>30,000</u>
(4) <u>For market development for recyclables under section 17</u> <u>100,000</u>		<u>100,000</u>
(5) <u>For waste reduction and separation projects and technical assistance under section 21</u> <u>150,000</u>		<u>150,000</u>
(b) <u>To the pollution control agency:</u>		
(1) <u>For the solid waste management policy report under section 14</u> <u>30,000</u>		<u>30,000</u>
(2) <u>For household hazardous waste management under section 29</u>	<u>215,800</u>	<u>300,200</u>
(3) <u>For pilot waste pesticide collection under section 48</u>	<u>145,800</u>	<u>70,000</u>
(c) <u>To the department of public service for the notice and inspection program under section 36</u>	<u>3,600</u>	<u>3,600</u>

Amounts unexpended in one fiscal year are available for expenditure in the other fiscal year.

Subd. 2. COMPLEMENT. The approved complement of the following agencies is increased as specified:

(a) Waste management board, four positions.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(b) Pollution control agency, five positions.

Subd. 3. APPROPRIATION; USED OIL. The transfer from the motor vehicle transfer fund in Laws 1985, First Special Session chapter 13, section 28, subdivision 8, for waste tire recycling may be used by the authority also for loans for used oil processing equipment and grants for used oil storage tanks under section 32.

Subd. 4. APPROPRIATION; METROPOLITAN LANDFILL ABATEMENT. All money in the metropolitan landfill abatement fund is appropriated to the pollution control agency for transfer to the metropolitan council. The council shall use the funds for the purposes of section 473.844, as amended, and section 46. The council shall use \$1,500,000 for grants under section 46. By July 1 of 1987 and 1988 the council shall submit to the legislative commission on waste management, in the form determined by the commission, a budget and work program showing planned expenditures from the fund for the following fiscal year. The council may not spend the money until the commission has made its recommendations on the budget and work program. The recommendations are advisory only.

Subd. 5. CONTINGENCY ACTION FUND; WORK PROGRAM REQUIRED. By July 1 of each year, the agency shall submit to the legislative commission on waste management, in the form determined by the commission, a budget and work program showing anticipated expenditures from the metropolitan landfill contingency action fund for the following fiscal year. The agency may not spend the money until the commission has made its recommendations on the budget and work program. The recommendations are advisory only.

Sec. 52. REPEALER.

Minnesota Statutes 1986, sections 115A.13; 115A.43; 115A.44; 473.834, subdivision 3; and 473.844, subdivisions 2 and 5, are repealed.

Sec. 53. APPLICATION.

Sections 39 to 47 are effective in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Approved June 1, 1987

CHAPTER 349—H.F.No. 291

An act relating to financial institutions; regulating incorporations and operations of banks; requiring prior written approval by the commissioner for certain lease arrangements; requiring certain securities to be deposited with the state treasurer; requiring approval of certain insider agreements; providing penalties against certain lenders; regulating transfer

Changes or additions are indicated by underline, deletions by ~~strikeout~~.