

CHAPTER 685—H.F.No. 2031

An act relating to waste management; requiring certain buildings to provide space for recycling; changing the definition of recyclable materials; specifying the responsibilities of the legislative commission on waste management; adding containment of hazardous waste as an item for which the waste management board may make grants; making industrial waste facilities eligible for processing facility loans; creating additional loan and grant programs for waste tire management; banning used oil from placement on the land; removing the county fee cap for waste disposal in the metropolitan area; increasing city and town fee authority; banning yard waste from landfills; establishing a study recommending a system to regulate solid waste disposal fees; authorizing the pollution control agency to recover certain costs; requiring notice to local governments of changes in solid waste disposal permits; adding the chair of the waste management board to the environmental quality board; banning the use of certain plastics; requiring labeling of plastic containers; making changes to the metropolitan landfill siting process; forgiving a solid waste loan to Pennington County; repealing the expiration date of the legislative commission on waste management; appropriating money; amending Minnesota Statutes 1986, sections 16B.24, subdivision 6; 16B.61, by adding a subdivision; 115A.03, subdivisions 25a and 25b; 115A.14, subdivision 4; 115A.156, subdivision 3; 115A.165; 115A.912; 115A.914; 115A.919; 115B.17, by adding a subdivision; 473.149, subdivision 2b; 473.803, subdivision 4; 473.806; 473.840, subdivisions 2 and 4; 473.845, subdivision 3; 477A.012, subdivision 2; and 609.68; Minnesota Statutes 1987 Supplement, sections 115A.156, subdivisions 1 and 2; 115A.162; 115A.48; 115A.916; 115A.921; and 116C.03, subdivision 2; Laws 1980, chapter 564, article XII, section 1, subdivision 3, as amended; Laws 1987, chapters 348, section 51, subdivision 1; and 404, section 24, subdivisions 4 and 6; proposing coding for new law in Minnesota Statutes, chapters 115A; 116; and 325E; repealing Minnesota Statutes 1986, sections 115A.14, subdivision 6; and 115A.90, subdivision 4; Minnesota Statutes 1987 Supplement, sections 115A.14, subdivision 5; 115A.41; 116.55; and 116M.07, subdivision 14.

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

Section 1. Minnesota Statutes 1986, section 16B.24, subdivision 6, is amended to read:

Subd. 6. **PROPERTY RENTAL.** (a) **LEASES.** The commissioner shall rent land and other premises when necessary for state purposes. The commissioner may lease land or premises for five years or less, subject to cancellation

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upon 30 days written notice by the state for any reason except rental of other land or premises for the same use. The commissioner may not rent non-state-owned land and buildings or substantial portions of land or buildings within the capitol area as defined in section 15.50 unless the commissioner first consults with the capitol area architectural and planning board. Lands needed by the department of transportation for storage of vehicles or road materials may be rented for five years or less, such leases for terms over two years being subject to cancellation upon 30 days written notice by the state for any reason except rental of other land or premises for the same use.

(b) **USE VACANT PUBLIC SPACE.** No agency may initiate or renew a lease for space for its own use in a private building unless the commissioner has thoroughly investigated presently vacant space in public buildings, such as closed school buildings, and found that none is available.

(c) **PREFERENCE FOR CERTAIN BUILDINGS.** For needs beyond those which can be accommodated in state owned buildings, the commissioner shall acquire and utilize space in suitable buildings of historical, architectural, or cultural significance for the purposes of this subdivision unless use of that space is not feasible, prudent and cost effective compared with available alternatives. Buildings are of historical, architectural, or cultural significance if they are listed on the national register of historic places, designated by a state or county historical society, or designated by a municipal preservation commission.

(d) RECYCLING SPACE. Leases for space of 30 days or more for 5,000 square feet or more must require that space be provided for recyclable materials.

Sec. 2. Minnesota Statutes 1986, section 16B.61, is amended by adding a subdivision to read:

Subd. 3a. RECYCLING SPACE. The code must require suitable space for the separation, collection, and temporary storage of recyclable materials within or adjacent to new or significantly remodeled structures that contain 1,000 square feet or more. Residential structures with less than 12 dwelling units are exempt from this subdivision.

Sec. 3. Minnesota Statutes 1986, section 115A.03, subdivision 25a, is amended to read:

Subd. 25a. "Recyclable materials" means materials that are separated from mixed municipal solid waste, ~~by the generator or during collection,~~ for the purpose of recycling, including paper, glass, metals, automobile oil, and batteries. Refuse derived fuel or other material that is destroyed by incineration is not a recyclable material.

Sec. 4. Minnesota Statutes 1986, section 115A.03, subdivision 25b, is amended to read:

Subd. 25b. "Recycling" means the process of collecting and preparing

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recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

Sec. 5. Minnesota Statutes 1986, section 115A.14, subdivision 4, is amended to read:

Subd. 4. **POWERS AND DUTIES.** (a) ~~The commission shall review the biennial report of the board, the agency municipal project list and municipal needs list reports, and the budget for the agency division of water quality. The commission shall oversee the activities of the board under sections 115A.01 to 115A.72 and the activities of the agency under sections 115A.42 to 115A.46, 115A.49 to 115A.54, and 116.16 to 116.18~~ oversee the activities of the board under this chapter relating to solid and hazardous waste management, the activities of the agency under sections 116.16 to 116.181 relating to water pollution control, and the activities of the metropolitan council relating to metropolitan waste management under sections 473.801 to 473.848, and direct such changes or additions in the work plan of the board and agency as it deems fit.

(b) The commission shall make recommendations to the standing legislative committees on finance and appropriations for appropriations from:

(1) the environmental response, compensation, and compliance fund under section 115B.20, subdivision 5;

(2) the metropolitan landfill abatement fund under section 473.844; and

(3) the metropolitan landfill contingency action fund under section 473.845.

(c) The commission may conduct public hearings and otherwise secure data and expressions of opinion. The commission shall make such recommendations as it deems proper to assist the legislature in formulating legislation. Any data or information compiled by the commission shall be made available to any standing or interim committee of the legislature upon request of the chair of the respective committee.

Sec. 6. Minnesota Statutes 1987 Supplement, 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, or containment of 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,

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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. 7. Minnesota Statutes 1987 Supplement, section 115A.156, subdivision 2, is amended to read:

Subd. 2. **ELIGIBILITY.** A person proposing to develop and operate specific collection ~~and~~, processing, or containment facilities or services to serve generators in the state 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 for collection,~~ processing, or containment of their hazardous wastes.

Sec. 8. Minnesota Statutes 1986, section 115A.156, subdivision 3, is amended to read:

Subd. 3. **PROCEDURE FOR AWARDING GRANTS.** (a) The board may establish procedures for awarding grants under this section. The procedures for awarding grants shall include consideration of the following factors:

(1) the need to provide collection ~~and~~, processing, or containment for a variety of types of hazardous wastes;

(2) the extent to which the facility or service would provide a significant amount of processing ~~or~~, collection, or containment capacity for waste generated in the state, measured by the volume of waste to be managed, the number and geographic distribution of generators to be served, or the reduction of risk to public health and safety and the environment achieved by the operation of the facility or service;

(3) the availability of the facility or service to all generators needing the service in the area to be served;

(4) the contribution of the facility or service to achieving the policies and objectives of the hazardous waste management plan;

(5) participation by persons with demonstrated experience in developing, designing, or operating hazardous waste collection ~~or~~, processing, or containment facilities or services;

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- (6) the need for assistance from the board to accomplish the work;
- (7) the extent to which a proposal would produce and analyze new information; and
- (8) other factors established by the board consistent with the purposes of this section.

(b) The board may adopt emergency rules under sections 14.29 to 14.36 to implement the grant program. Emergency rules adopted by the board remain in effect for 360 days or until permanent rules are adopted, whichever occurs first.

Sec. 9. Minnesota Statutes 1987 Supplement, section 115A.162, is amended to read:

115A.162 INDUSTRIAL OR HAZARDOUS WASTE PROCESSING FACILITY LOANS.

The board shall review applications for industrial or hazardous waste processing facility loans received by the agriculture and economic development authority and forwarded to the board under section ~~416M.07, subdivision 9~~ 41A.066. The board may certify a loan application only if it determines that:

- (1) the applicant has demonstrated that the proposed facility is technically feasible;
- (2) the applicant has made a reasonable assessment of the market for the services offered by the proposed facility;
- (3) the applicant has agreed to provide funds for the proposed facility in an amount equal to at least 25 percent of the capital cost of the facility excluding land acquisition cost;
- (4) the applicant has agreed to pay the cost of any land acquisition necessary to develop the facility; and
- (5) the facility will contribute in a significant way to achievement of the policies and objectives of the hazardous waste management plan and, in particular, to reduce the need for and practice of industrial or hazardous waste disposal.

As a condition of its certification the board may require an applicant to agree to provide funds in excess of 25 percent of the capital cost of the facility in addition to any land acquisition costs. In certifying an application or in determining the share of the capital costs that will be provided by the loan, the board may consider the types and volumes of industrial or hazardous waste that will be handled by the facility, the number of generators served by the facility, and the extent to which the facility serves the need of smaller businesses that generate industrial or hazardous waste. The board may establish additional criteria for certifying loan applications consistent with the provisions of this section.

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The board may adopt emergency rules under sections 14.29 to 14.36 to implement the loan program. Emergency rules adopted by the board remain in effect for 360 days or until permanent rules are adopted, whichever occurs first.

Sec. 10. Minnesota Statutes 1986, section 115A.165, is amended to read:

115A.165 EVALUATION OF GRANT AND LOAN PROGRAMS; REPORT.

By November 1, ~~1986~~, of each even-numbered year, the board shall evaluate the extent to which the programs provided in sections 115A.152 to 115A.162 have contributed to the achievement of the policies and objectives of the hazardous waste management plan and other related planning documents prepared by the board. The evaluation must consider the amount of waste reduction achieved by generators through the technical and research assistance and waste reduction grant programs and the progress in reducing the need for and practice of disposal achieved through the development grants and the request for proposal program. The board shall report the results of its evaluation to the legislative commission with its recommendations for further action.

Sec. 11. Minnesota Statutes 1987 Supplement, section 115A.48, is amended to read:

115A.48 MARKET DEVELOPMENT FOR RECYCLABLE MATERIALS AND COMPOST.

Subdivision 1. **AUTHORITY.** The board shall assist and encourage the development of specific facilities ~~and~~ services, and uses needed to provide adequate, stable, and reliable markets for recyclable materials and compost 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 and compost 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 and compost through procurement policies and practices.

Sec. 12. **[115A.541] PLAN; GRANT REQUIREMENT.**

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The board may approve a plan under section 115A.46 or make a grant for a recycling facility under section 115A.54, subdivision 2a, only if it finds that the applicant demonstrates a commitment to recycle materials separated by generators to the extent the program is cost-effective in meeting recycling goals.

Sec. 13. [115A.97] SPECIAL WASTE; INCINERATOR ASH.

Subdivision 1. POLICY; GOALS. It is the policy of the legislature that mixed municipal solid waste incinerators be planned and managed to achieve to the maximum extent feasible and prudent:

- (1) reduction of the toxicity of incinerator ash;
- (2) reduction of the quantity of the incinerator ash; and
- (3) reduction of the quantity of waste processing residuals that require disposal.

The purpose of this section is to establish temporary and permanent programs to achieve these reduction goals.

Subd. 2. DEFINITIONS. For the purposes of this section the following terms have the meanings given them.

"Incinerator ash" means ash resulting from the combustion of mixed municipal solid waste and ash resulting from the combustion of refuse derived fuel.

"Noncombustible fraction" means constituents of mixed municipal solid waste, including glass, ferrous metals, nonferrous metals and other inorganics, that, when burned, disproportionately add to the quantity of incinerator ash.

Subd. 3. RULES. The agency shall adopt rules to establish techniques to measure the noncombustible fraction of mixed municipal solid waste prior to incineration or processing into refuse derived fuel and for at least the testing, management, and disposal of incinerator ash. The rules must be designed to meet the goals in subdivision 1.

Subd. 4. INTERIM PROGRAM. (a) Incinerator ash is considered special waste for an interim period which expires on the occurrence of the earliest of the following events:

- (1) The United States Environmental Protection Agency establishes testing and disposal requirements for incinerator ash;
- (2) The agency adopts the rules required in subdivision 3; or
- (3) June 30, 1990.

(b) As a special waste incinerator ash must be stored separately from mixed municipal solid waste with adequate controls to protect the environment as provided in agency permits. For the interim period, the agency, in cooperation with generators of incinerator ash and other interested parties, shall establish a temporary program to test, monitor, and store incinerator ash. The program must include separate testing of fly ash, bottom ash, and combined ash unless

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the agency determines that because of physical constraints at the facility separate samples of fly ash and bottom ash cannot be reasonably obtained in which case only combined ash must be tested. Incinerator ash stored during the interim is subject to the rules adopted pursuant to subdivision 3 and to the provisions of chapter 115B.

Subd. 5. PLANS; BOARD REPORT. A county solid waste plan, or revision of a plan, that includes incineration of mixed municipal solid waste must clearly state how the county plans to meet the goals in subdivision 1 of reducing the toxicity and quantity of incinerator ash and of reducing the quantity of processing residuals that require disposal. The board, in cooperation with the agency, the counties, and the metropolitan council, may develop guidelines for counties to use to identify ways to meet the goals in subdivision 1.

The board, in cooperation with the agency, the counties, and the metropolitan council, shall develop and propose statewide goals and timetables for the reduction of the noncombustible fraction of mixed municipal solid waste prior to incineration or processing into refuse derived fuel and for the reduction of the toxicity of the incinerator ash. By January 1, 1990, the board shall report to the legislative commission on waste management on the proposal goals and timetables with recommendations for their implementation.

Subd. 6. PERMITS; AGENCY REPORT. An application for a permit to build or operate a mixed municipal solid waste incinerator, including an application for permit renewal, must clearly state how the applicant will achieve the goals in subdivision 1 of reducing the toxicity and quantity of incinerator ash and of reducing the quantity of processing residuals that require disposal. The agency, in cooperation with the board, the counties, and the metropolitan council, may develop guidelines for applicants to use to identify ways to meet the goals in subdivision 1.

If, by January 1, 1990, the rules required by subdivision 3 are not in at least final draft form, the agency shall report to the legislative commission on waste management on the status of current incinerator ash management programs with recommendations for specific legislation to meet the goals of subdivision 1.

Sec. 14. Minnesota Statutes 1986, section 115A.912, is amended to read:

115A.912 WASTE TIRE ~~COLLECTION~~ MANAGEMENT.

Subdivision 1. **PURPOSE.** Money appropriated to the ~~agency board~~ for waste tire ~~collection management~~ may be spent for elimination of health and safety hazards of tire dumps and collection sites, tire dump abatement, collection, management and clean up of waste tires, regulation of permitted waste tire facilities, research and studies to determine the technical and economic feasibility of uses for tire derived products, public education on waste tire management, and grants and loans under section 15.

Subd. 2. **PRIORITIES FOR SPENDING.** The agency board shall apply

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the following criteria to establish priorities: (1) tire dumps or collection sites determined by the agency board to contain more than 1,000,000 tires; (2) abatement of fire hazard nuisances; (3) abatement of nuisance in densely populated areas; and (4) collection and clean up of waste tires including abatement of tire dumps.

Subd. 3. **CONTRACTS WITH COUNTIES.** The agency board may contract with counties for the abatement of waste tire nuisances and may reimburse a county for up to 85 percent of the cost of abatement. A contract with a county for abatement of waste tire nuisances must incorporate a plan approved by the board that provides for the removal and processing of the waste tires in a manner consistent with board standards and ongoing board abatement activities. A county may recover by civil action its part of abatement costs from the tire collector responsible for a nuisance.

Sec. 15. [115A.913] WASTE TIRE PROGRAMS.

Subdivision 1. LOANS AND GRANTS. (a) The board may make loans to waste tire processing businesses for the capital costs of land, buildings, equipment, and other capital improvements needed for the construction or betterment of waste tire processing facilities, and for the capital cost of equipment needed to transport waste tires to a waste tire processing facility. The board may also make loans to businesses that use waste tire derived products in manufacturing processes, for the capital costs of land, buildings, and equipment used in the manufacturing process.

(b) The board may make grants for studies necessary to demonstrate the technical and economic feasibility of a proposed waste tire processing project, or of a proposed use for waste tire derived products in a manufacturing process. A grant may not exceed \$30,000 and may not exceed 75 percent of the costs of a study.

Subd. 2. COLLECTION AND TRANSPORTATION. The board may make grants to local government units for the cost of establishing waste tire collection sites. Grants may be used for the capital costs of land, structures, and equipment needed to establish waste tire collection sites, and to collect and transport waste tires. A grant may not exceed 50 percent of the cost to a local government unit to establish a waste tire collection site.

Subd. 3. FEASIBILITY STUDIES. The board may conduct research and studies to determine the technical and economic feasibility of uses for waste tire derived products.

Subd. 4. PUBLIC EDUCATION. The board may conduct a program to inform the public about proper handling and opportunities for processing of waste tires consistent with section 115A.072.

Subd. 5. REPORT. By November 15 of each year, the board shall prepare and submit to the legislative commission on waste management a progress report of the board's operations and activities under sections 115A.90 to 115A.914.

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Sec. 16. Minnesota Statutes 1986, section 115A.914, is amended to read:

115A.914 RULES ADMINISTRATION; COUNTY PLANNING; AND ORDINANCES.

Subdivision 1. REGULATORY AND ENFORCEMENT POWERS. For purposes of implementing and enforcing the waste tire programs in sections 115A.90 to 115A.914, the board may exercise the regulatory and enforcement powers of the agency under chapters 115 and 116.

Subd. 2. AGENCY BOARD RULES. The agency board shall adopt rules for administration of waste tire collector and processor permits, waste tire nuisance abatement, and waste tire collection. ~~Until December 31, 1985, the agency may adopt emergency rules for these purposes.~~

~~Subd. 2.~~ 3. COUNTY PLANNING; ORDINANCES. Counties shall include collection and processing of waste tires in the solid waste management plan prepared under sections 115A.42 to 115A.46 and shall adopt ordinances under sections 400.16 and 473.811 for management of waste tires that embody, but may be more restrictive than, agency board rules.

Sec. 17. Minnesota Statutes 1987 Supplement, section 115A.916, is amended to read:

115A.916 USED OIL; LAND DISPOSAL PROHIBITED.

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

Sec. 18. [115A.916] USED OIL LOANS AND GRANTS.

Subdivision 1. LOANS. The board may make loans to businesses for the purchase of used oil processing equipment.

Subd. 2. GRANTS. The board 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 commissioner of the agency for the type of tank to be used, 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 \$2,500 and a county may not receive more than \$5,000 in grants for storage tanks.

Sec. 19. Minnesota Statutes 1986, section 115A.919, is amended to read:

115A.919 COUNTY FEE AUTHORITY.

A county may impose a fee, by cubic yard of waste or its equivalent, on

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operators of facilities for the disposal of mixed municipal solid waste located within the county. ~~The fee in the metropolitan area may not exceed 25 cents per cubic yard or its equivalent.~~ The revenue from the fees shall be credited to the county general fund and shall be used only for landfill abatement purposes, or costs of closure, postclosure care, and response actions 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 county 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 county.

Sec. 20. Minnesota Statutes 1987 Supplement, section 115A.921, is amended to read:

115A.921 CITY OR TOWN FEE AUTHORITY.

A city or town may impose a fee, not to exceed ~~25~~ 35 cents per cubic yard of waste, or its equivalent, on operators of facilities for the disposal of mixed municipal solid waste located within the city or town. The revenue from the fees must be credited to the city or town general fund ~~and~~. Revenue produced by 25 cents of the fee must be 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. Revenue produced by ten cents of the fee may be used for any general fund purpose. 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. 21. [115A.931] LAND DISPOSAL OF YARD WASTE.

(a) Except as authorized by the agency, in the metropolitan area after January 1, 1990, and outside the metropolitan area after January 1, 1992, a person may not dispose of yard waste:

(1) in mixed municipal solid waste;

(2) in a disposal facility; or

(3) in a resource recovery facility except for the purposes of composting or co-composting.

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(b) Yard waste subject to this subdivision is garden wastes, leaves, lawn cuttings, weeds, and prunings.

Sec. 22. [115A.98] WASTE DISPOSAL FEE REGULATION.

Subdivision 1. FEE REGULATION. The legislature finds that the limited number of solid waste disposal facilities in the metropolitan area has created a condition that could allow operators to charge unjust and unreasonable rates. The legislature finds that until sufficient alternatives to landfill disposal become available, the disposal of solid waste is necessary for the health and general welfare of the citizens of this state. Therefore, to ensure just and reasonable fees for the disposal of solid waste, ash, and construction debris in the metropolitan area and a reasonable rate of return to owners and operators of disposal facilities while achieving environmental requirements and other community standards at the facilities, disposal fee structures of disposal facilities that accept solid waste, ash, or construction debris will be publicly regulated.

Subd. 2. DISPOSAL FEE DISCLOSURE. By July 1 of each year, each permittee of a disposal facility that accepts solid waste, ash, or construction debris in the metropolitan area shall file with the agency the disposal fees of that facility, including any proposed changes in those fees. The permittee of a facility must also file all necessary documentation to support the amounts of the fees charged, the costs of operation, and the necessity of fee increases to reflect cost increases. Until June 1, 1989, disposal fees in the metropolitan area may not be increased except to reflect documented increases in the costs of operation of the disposal facility. The agency may suspend the operation of a disposal facility whose permittee fails to file the information required in this subdivision or files inadequate information to support fee increases based on increased costs until such time as the permittee files adequate information.

Subd. 3. COMMISSION RECOMMENDATION. The legislative commission on waste management, in cooperation with the agency, the board, the public utilities commission, other state agencies, and interested parties shall study current fee structures at disposal facilities in the state for the purpose of recommending to the legislature a regulatory program to ensure just and reasonable disposal fees. The recommendation must include identification of an appropriate entity to impose fee regulation, a structure for fee regulation, standards to be used in regulating fees, and procedures to be followed to regulate fees. The commission's recommendation must be finalized no later than December 31, 1988.

Subd. 4. EFFECT ON SURCHARGES. This section does not affect the amount of any city, county or state surcharges on disposal fees.

Sec. 23. Minnesota Statutes 1986, section 115B.17, is amended by adding a subdivision to read:

Subd. 14. REQUESTS FOR REVIEW, INVESTIGATION, AND OVERSIGHT. (a) The commissioner may, upon request, assist a person in determining whether real property has been the site of a release or threatened release of

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a hazardous substance, pollutant, or contaminant. The commissioner may also assist in, or supervise, the development and implementation of reasonable and necessary response actions. Assistance may include review of agency records and files, and review and approval of a requester's investigation plans and reports and response action plans and implementation.

(b) The person requesting assistance under this subdivision shall pay the agency for the agency's cost, as determined by the commissioner, of providing assistance. Money received by the agency for assistance under this section must be deposited in the environmental response, compensation, and compliance fund.

Sec. 24. [116.074] NOTICE OF PERMIT CONDITIONS TO LOCAL GOVERNMENTS.

Before the agency grants a permit for a solid waste facility, allows a significant alteration of permit conditions or facility operation, or allows the change of a facility permittee, the commissioner must notify the county and town where the facility is located, contiguous counties and towns, and all home rule charter and statutory cities within the contiguous townships. If a local government unit requests a public meeting within 30 days after being notified, the agency must hold at least one public meeting in the area near the facility before granting the permit, allowing the alterations in the permit conditions or facility operation, or allowing the change of the facility permittee.

Sec. 25. Minnesota Statutes 1987 Supplement, section 116C.03, subdivision 2, is amended to read:

Subd. 2. The members of the board are the director of the state planning agency, the director of public service, the director of the pollution control agency, the commissioner of natural resources, the chair of the waste management board, the commissioner of agriculture, the commissioner of health, the commissioner of transportation, the chair of the board of water and soil resources, and a representative of the governor's office designated by the governor. The governor shall appoint five members from the general public to the board, subject to the advice and consent of the senate. At least two of the five public members must have knowledge of and be conversant in water management issues in the state.

Sec. 26. [325E.042] PROHIBITING SALE OF CERTAIN PLASTICS.

Subdivision 1. PLASTIC CAN. (a) A person may not sell, offer for sale, or give to consumers in this state a beverage packaged in a plastic can.

(b) A plastic can subject to this subdivision is a single serving beverage container composed of plastic and metal excluding the closure mechanism.

Subd. 2. NONDEGRADABLE PLASTIC. A person may not sell, offer for sale, or give to consumers beverages or motor oil containers held together by nondegradable plastic material.

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Subd. 3. PENALTY. A person who violates subdivision 1 or 2 is guilty of a misdemeanor.

Sec. 27. [325E.044] PLASTIC CONTAINER LABELING.

Subdivision 1. DEFINITIONS. The definitions in this subdivision apply to this section.

(a) "Distributor" means a person engaged in business that ships or transports products to retailers in this state to be sold by those retailers.

(b) "Labeling" means attaching information to or embossing or printing information on a plastic container.

(c) "Manufacturer" means any manufacturer offering for sale and distribution a product packaged in a container.

(d) "Plastic container" means an individual, separate, plastic bottle, can, or jar with a capacity of sixteen ounces or more.

Subd. 2. LABELING RULES REQUIRED. By March 31, 1989, the board shall adopt rules requiring labeling of plastic containers. The rules adopted under this subdivision must allow a manufacturer of plastic containers, a person who places products in plastic containers, and a person who sells products in plastic containers to choose an appropriate method of labeling plastic containers. The board shall adopt rules as consistent as practicable with national industry-wide plastic container coding systems. The rules may exempt plastic containers of a capacity of less than a specified minimum size from the labeling requirements.

Subd. 3. PROHIBITION. A person may not manufacture or bring into the state for sale in this state a plastic container that does not comply with the labeling rules adopted under subdivision 2.

Subd. 4. ENFORCEMENT; CIVIL PENALTY; INJUNCTIVE RELIEF.

(a) After being notified that a plastic container does not comply with the rules under subdivision 2, any manufacturer or distributor who violates subdivision 3 is subject to a civil penalty of \$50 for each violation up to a maximum of \$500 and may be enjoined from such violations.

(b) The attorney general may bring an action in the name of the state in a court of competent jurisdiction for recovery of civil penalties or for injunctive relief as provided in this subdivision. The attorney general may accept an assurance of discontinuance of acts in violation of subdivision 3 in the manner provided in section 8.31, subdivision 2b.

Sec. 28. [325E.32] WASTE TIRES; COLLECTION.

A person who sells automotive tires at retail must accept waste tires from customers for collection and recycling. The person must accept as many waste tires from each customer as tires are bought by that customer.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 29. Minnesota Statutes 1986, section 473.149, subdivision 2b, is amended to read:

Subd. 2b. **INVENTORY OF SOLID WASTE DISPOSAL SITES.** By September 1, 1983, the council shall adopt by resolution an inventory of eligible solid waste disposal sites and buffer areas within the metropolitan area. The council's inventory shall be composed of the sites and buffer areas proposed by the counties and reviewed and approved by the council pursuant to section 473.803, subdivision 1a. If a county does not have an approved inventory of the required number of sites by June 1, 1983, the council shall begin investigations and public hearings in order to adopt the required inventory for the county by September 1, 1983. The council's inventory shall satisfy all requirements and standards described in section 473.803, subdivision 1a, for sites and buffer areas proposed by counties. For sites and buffer areas included in the council's inventory, the development limitation imposed under section 473.806, subdivision 1, shall extend until 90 days following the selection of sites pursuant to section 473.833, subdivision 3. Upon the request of a county, the council may remove from the inventory property that is within the boundaries of the fill portion of a currently or previously permitted solid waste disposal facility, if the removal of the property does not reduce the size of the affected site below the 80 acre minimum area required in section 473.803, subdivision 1a.

Sec. 30. Minnesota Statutes 1986, section 473.803, subdivision 4, is amended to read:

Subd. 4. **ADVISORY COMMITTEE.** By July 1, 1984 each county shall establish a solid waste management advisory committee to aid in the preparation of the county master plan and, any revisions thereof and such additional matters as the county deems appropriate. The committee must consist of ~~one-third~~ citizen representatives, ~~one-third~~ representatives from towns and cities within the county, and ~~one-third~~ representatives from private waste management firms. At least one-third of the members of the committee must be include residents of towns or cities within the county containing solid waste disposal facilities and eligible solid waste disposal sites included in the council's disposal site inventory. Members of the council's solid waste advisory committee who reside in the county are ex-officio members of the county advisory committee. A representative of the metropolitan council is an ex officio member of the committee.

Sec. 31. Minnesota Statutes 1986, section 473.806, is amended to read:

473.806 INVENTORY OF DISPOSAL SITES; DEVELOPMENT LIMITATIONS.

Subdivision 1. **COUNCIL APPROVAL REQUIRED.** In order to permit the comparative evaluation of sites and the participation of affected localities in decisions about the use of sites, a metropolitan development limitation is hereby imposed as provided in this subdivision on development within the area of each site and buffer area proposed by a county pursuant to section 473.803, subdivi-

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sion 1a, pending the council's adoption of an inventory pursuant to section 473.149, subdivision 2b. For sites and buffer areas included in the council's inventory, the limitation shall extend until 90 days following the selection of sites pursuant to section 473.833, subdivision 3, except that the council may at any time, with the approval of the county in which the site is located, abrogate the application of the limitation to a specific site or sites or buffer areas. No development shall be allowed to occur within the area of a site or buffer area during the period of the metropolitan development limitation without the approval of the council. No county, city, or town land use control shall permit development which has not been approved by the council, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow development to occur which has not been approved by the council. The council shall not approve actions which would jeopardize the availability of a site for use as a solid waste facility. The council may establish guidelines for reviewing requests for approval under this subdivision. Requests for approval shall be submitted in writing to the chair of the council and must include a development schedule and any information required by the council to demonstrate that the proposed development is feasible and economically viable pursuant to guidelines adopted by the council. Requests for approval shall be deemed to be approved by the council unless the chair otherwise notifies the submitter in writing within 15 days.

Subd. 2. ACQUISITION OF TEMPORARY DEVELOPMENT RIGHTS.

If pursuant to subdivision 1 the council refuses to approve development which is permitted by local development plans, land use classification, and zoning and other official controls applying to the property on February 1, 1983, the landowner may elect to have the county purchase temporary development rights to the property for the period extending from the date when the council approved the site which affects the property for inclusion in the metropolitan inventory of sites until December 31, ~~1987~~ 1992. The election must be made within 30 days of the council's decision to refuse to approve development. The council shall provide funds, from the proceeds of the bonds issued pursuant to section 473.831, for the county to purchase the temporary development rights. The landowner's compensation shall be determined by the agreement of the owner, the county, and the council. If the parties cannot agree within 60 days of the owner's election, the county shall acquire the temporary development rights through eminent domain proceedings, and the landowner's compensation shall be the fair market value of the temporary development rights. A landowner who elects under this section to have the county purchase temporary development rights to the landowner's property is entitled to prompt action by the county. If the landowner brings a successful action to compel the county to initiate eminent domain proceedings, the landowner is entitled to petition the court for reimbursement of reasonable costs and expenses, including reasonable attorney, appraisal, and engineering fees that were actually incurred in bringing the action.

Sec. 32. Minnesota Statutes 1986, section 473.840, subdivision 2, is amended to read:

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Subd. 2. **DEFINITIONS.** (a) "Qualifying property" is a parcel of real property any part of which is located within the site or buffer area of a candidate site under section 473.153, or a site included in the metropolitan inventory adopted under section 473.149, subdivision 2b, for the purposes of environmental review under section 473.833, subdivision 2a.

(b) An "eligible owner" is a person who: (1) owns the entire parcel of qualifying property; (2) owned the entire parcel of property at the time the site was selected as a candidate site or included in the metropolitan inventory; and (3) ~~since the site was selected or included in the inventory, has for at least six months offered to sell the entire parcel on the open market through a licensed real estate agent; and~~ (4) has not previously entered a contract under subdivision 4 for the sale of any or all of the parcel.

Sec. 33. Minnesota Statutes 1986, section 473.840, subdivision 4, is amended to read:

Subd. 4. **CONTRACT; TERMS AND REQUIREMENTS.** The council and the county or commission shall enter a contract as provided in this subdivision with an eligible owner of qualifying property who requests the council and the county or commission to enter the contract as provided in subdivision 3. The council and the county or commission have 90 days to act on a request submitted under subdivision 3. The contract must include at least the following terms:

(a) The owner must offer to sell the entire parcel of property on the open market through a licensed real estate agent approved by the council for at least a six-month period beginning within one month after the appraised market value of the property is determined as provided in paragraph (b). The offer to sell must be made at no more than the appraised market value.

(b) The appraised market value of the property must be determined by an appraiser selected by the council. If the owner disagrees with the appraisal the owner shall select an appraiser to make a second appraisal. If a second appraisal is made, the council and the owner may agree on an appraised market value equal to either the first or second appraisal or any amount between those appraisals. If the council and owner do not agree on an appraised market value the two appraisers shall select a third appraiser, and the appraised market value must be determined by a majority of the three appraisers. Appraisers must be selected from the approved list of real property appraisers of the state commissioner of administration. Appraisers shall take an oath that they have no interest in any of the property to be appraised or in the purchase thereof. Each party shall pay the cost of the appraiser selected by that party and shall share equally in the cost of a third appraiser selected under this paragraph. The appraised market value of the property may not be increased or decreased by reason of its selection as a candidate or inventoried site or buffer area.

(c) The county or commission must purchase the entire parcel of property at the appraised market value determined under paragraph (b) if: (1) the council

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determines, based upon affidavits provided by the owner and the real estate agent and other evidence the council may require, that the owner has made a good faith effort to sell the property as provided in paragraph (a) and has been unable to sell the property at the appraised market value; (2) ~~the council determines that the owner will be subject to undue hardship as a result of failure to sell;~~ (3) the county or commission determines that the owner has marketable title to the property and that the owner has cured any defects in the title within a reasonable time as specified in the contract; and (4) (3) the owner conveys the property by warranty deed in a form acceptable to the county or commission.

(d) The owner may not assign or transfer any rights under the contract to another person.

(e) The contract expires and the obligations of the parties under the contract cease when the property is sold or is either selected or eliminated from consideration by a final decision of the council under section 473.153, subdivision 6, or by a final decision of the county site selection authority or council under section 473.833, subdivision 3.

(f) The council and the commission or county may require other terms of contract that are consistent with the purposes of this section and necessary to protect the interests of the parties.

Sec. 34. Minnesota Statutes 1986, section 473.845, subdivision 3, is amended to read:

Subd. 3. **CLOSURE AND POSTCLOSURE, RESPONSE PAYMENTS EXPENDITURES FROM THE FUND.** Money in the fund may only be appropriated to the agency for expenditure for:

(1) reasonable and necessary expenses for closure and postclosure care of a mixed municipal solid waste disposal facility in the metropolitan area for a 20-year period after closure, if the agency determines that the operator or owner will not take the necessary actions requested by the agency for closure and postclosure in the manner and within the time requested; ~~or~~

(2) reasonable and necessary response and postclosure costs at a mixed municipal solid waste disposal facility in the metropolitan area that has been closed for 20 years in compliance with the closure and postclosure rules of the agency; or

(3) reasonable and necessary response costs resulting from county actions required under section 473.833, subdivision 2a, when those actions are done under the supervision of the agency.

Sec. 35. Minnesota Statutes 1986, section 477A.012, subdivision 2, is amended to read:

Subd. 2. **ADDITIONAL AID FOR CERTAIN COUNTIES.** (a) Each county that becomes eligible to negotiate a contract with the waste management board

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pursuant to section 115A.191 shall be entitled to receive ~~\$4,000~~ \$6,000 per month in additional local government aids, for each full calendar month that it is eligible. If the state's liability under this clause exceeds \$40,000 in any month, the commissioner shall proportionately reduce the entitlements of each eligible county.

(b) Any county government that has executed a contract with the board pursuant to section 115A.191 shall receive an amount as provided under a schedule set forth in the contract not to exceed \$150,000 per year in additional local government aids, for a period of not more than two years following the execution of the contract. The sum of the state's obligations under this clause may not exceed \$600,000 in any fiscal year.

(c) Aid distributions under this subdivision are in addition to any distributions to which a county is entitled pursuant to subdivision 1, and must not be deducted in the computation of levy limits. When an aid payment is made pursuant to section 477A.015, the commissioner shall distribute to each eligible county the full entitlement due under clause (a) for the county's period of eligibility that was not paid in a previous distribution. ~~When an aid payment is made pursuant to section 477A.015;~~ The commissioner shall distribute the amounts due under clause (b) to each county that has executed a contract the full amount due under clause (b) in accordance with the terms of the contract. In no case may any additional aid amounts due under this subdivision be paid prior to July 1, 1987.

Sec. 36. Minnesota Statutes 1986, section 609.68, is amended to read:

609.68 UNLAWFUL DEPOSIT OF GARBAGE, LITTER OR LIKE.

Whoever unlawfully deposits garbage, rubbish, offal, or the body of a dead animal, or other litter in or upon any public highway, public waters or the ice thereon, shoreland areas adjacent to rivers or streams as defined by section 105.485, subdivision 2, public lands, or, without the consent of the owner, private lands or water or ice thereon, is guilty of a misdemeanor.

Sec. 37. **PENNINGTON COUNTY SOLID WASTE LOAN FORGIVEN.**

Notwithstanding Minnesota Statutes, section 115A.54, subdivision 3, the awarding resolution, or the agreement between Pennington county and the state acting through the waste management board, Pennington county need not repay the outstanding balance of the loan made to it under Minnesota Statutes, section 115A.54, subdivision 2. The other obligations of Pennington county under the loan agreement remain in effect.

Sec. 38. **REPORT.**

As part of the report required in 1988 by Minnesota Statutes 1987 Supplement, section 473.149, subdivision 6, the council shall estimate the disposal capacity available in the metropolitan area for mixed municipal solid waste and

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incinerator ash and shall describe the abatement implementation strategies and actions that would be necessary to make that capacity last until the years 2000, 2005, and 2010.

Sec. 39. Laws 1987, chapter 348, section 51, subdivision 1, is amended to read:

Sec. 51. APPROPRIATIONS; COMPLIMENT.

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:

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

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

Sec. 40. Laws 1987, chapter 404, section 24, subdivision 4, is amended to read:

Subd. 4. Solid Waste and Hazardous Waste Pollution Control

\$13,074,500 \$13,350,700

	Summary by Fund	
General	\$ 1,828,200	\$ 1,723,000

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Special Revenue	\$ 988,300	\$ 951,700
Public Health	\$ 131,900	\$ 131,900
Environmental	\$ 2,233,400	\$ 2,233,400
Metro Landfill		
Abatement	\$ 1,134,000	\$ 1,134,000
Metro Landfill		
Contingency	\$ 662,000	\$ 162,000
Motor Vehicle		
Transfer	\$ 1,473,200	\$ 1,008,200
Water Pollution		
Control	\$ 4,623,500	\$ 6,006,500

(a) All money in the environmental response, compensation and compliance fund not otherwise appropriated, is appropriated to the pollution control agency for the purposes described in the environmental response and liability act, Minnesota Statutes, section 115B.20, subdivision 2, clauses (a), (b), (c), and (d). This appropriation is available until June 30, 1989.

(b) All money in the metropolitan landfill abatement fund not otherwise appropriated is appropriated to the pollution control agency for payment to the metropolitan council and may be used by the council for the purposes of Minnesota Statutes, section 473.844. The council may not spend the money until the legislative commission on waste management has made its recommendations on the budget and work program submitted by the council.

(c) Any unencumbered balance from the metropolitan landfill contingency fund remaining in fiscal year 1988 does not cancel but is available for fiscal year 1989.

(d) A solid and hazardous waste account is created as a separate fund in the state treasury. The commissioner of finance shall transfer \$919,000 from the motor vehicle transfer fund and \$680,000 from the water pollution control fund over the biennium to the solid and hazardous waste fund.

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(e) \$100,000 is appropriated for the household hazardous waste program created in the law styled as H.F. No. 794 of the 1987 legislative session. Any unencumbered balance remaining in the first year does not cancel and is available for the second year of the biennium.

(f) \$1,973,200 the first year and \$2,008,200 the second year are from the motor vehicle transfer fund ~~for use in cleanup of waste tire dumps, as prioritized by the agency for waste tire management under section 14.~~ Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

\$4,500,000 the first year and \$5,900,000 the second year are appropriated from the water pollution control fund for transfer to the environmental response, compensation, and compliance fund. The appropriations in paragraph (f) are available until expended.

Sec. 41. Laws 1987, chapter 404, section 24, subdivision 6, is amended to read:

Subd. 6. Balances Canceled

\$6,235,800 the first year and \$6,117,200 the second year of the balance in the water pollution control fund must be canceled and transferred to the general fund on July 1, 1987, and July 1, 1988, respectively.

\$2,425,200 the first year and ~~\$2,925,200~~ \$2,680,200 the second year of the balance in the motor vehicle transfer fund must be canceled and transferred to the general fund on July 1, 1987, and July 1, 1988, respectively.

Sec. 42. Laws 1980, chapter 564, article XII, section 1, subdivision 3, as amended by Laws 1983, chapter 299, section 31, and chapter 301, section 222, is amended to read:

Subd. 3. WASTE MANAGEMENT BOARD.

15,718,000

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This appropriation is available for the following purposes:

(a) General Operations and Management. Approved Complement - 14. These positions are in the unclassified service and their continuation is dependent upon the availability of money from appropriations in this subdivision. When these appropriations have been expended the positions shall be canceled and the approved complement reduced accordingly. The annual salary of the full-time chairperson of the board shall be \$45,000 established pursuant to section 15A.081, subdivision 1.

(b) Acquisition of Sites and Buffer Areas for Hazardous Waste

Facilities

6,200,000

This appropriation is from the state waste management fund, to be spent pursuant to article II, section 3, subdivision 4. ~~Up to \$3,200,000 is available for, including payment of the costs of staff and independent professional services needed for the selection and acquisition of sites.~~

(c) Waste Processing Facility

Demonstration Program

8,800,000

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

Sec. 43. APPROPRIATION; COMPLEMENT.

Subdivision 1. WASTE MANAGEMENT BOARD. \$821,300 is appropriated from the motor vehicle transfer fund to the waste management board for the waste tire management programs and waste oil loans and grants and market feasibility studies.

This appropriation is available until expended.

The complement of the board is increased by six positions.

Subd. 2. POLLUTION CONTROL AGENCY. \$238,500 is appropriated to the pollution control agency from the environmental response, compensation, and compliance fund for the purposes of section 23 to be available until June 30, 1989. This appropriation must be returned to the fund through the cost recovery system under section 23.

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The complement of the agency is increased by six positions, two of which are full-time temporary in the unclassified service, to develop an automated data base. When the data base is operational, the unclassified positions terminate and the approved complement of the agency is reduced accordingly.

Sec. 44. **REPEALER.**

Minnesota Statutes 1986, sections 115A.14, subdivision 6; and 115A.90, subdivision 4; Minnesota Statutes 1987 Supplement, sections 115A.14, subdivision 5; 115A.41; 116.55; and 116M.07, subdivision 14, are repealed.

Sec. 45. **INSTRUCTIONS TO REVISOR.**

The revisor of statutes is directed to change the words "agency" and "pollution control agency" wherever they appear in sections 115A.90 to 115A.914 to "board" in Minnesota Statutes 1988.

Sec. 46. **EFFECTIVE DATE.**

Sections 14, 15, 22, 23, 29, 31 to 34, 37, 40, 41, and 43 are effective the day following final enactment. Section 26, subdivision 2, is effective July 1, 1989. Section 28 is effective April 1, 1989. Section 35 is effective July 1, 1988.

Approved April 28, 1988

CHAPTER 686—H.F.No. 2344

An act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government; providing for the transfer of certain money in the state treasury; fixing and limiting fees; authorizing suburban Hennepin regional park district to acquire land for Lake Minnetonka regional park without local consent; amending Minnesota Statutes 1986, sections 3.9223, subdivision 5; 3.9225, subdivision 5; 3.9226, subdivision 5; 10A.01, by adding a subdivision; 10A.25, subdivision 10; 10A.31, subdivision 5; 14.07, subdivisions 1 and 2; 14.47, subdivision 8; 15A.082, subdivision 3; 16B.24, subdivisions 9 and 10; 17.105, subdivision 4; 18.191; 85.012, by adding a subdivision; 89.001, by adding a subdivision; 89.01, by adding a subdivision; 89.19; 116.18, by adding a subdivision; 116.48, by adding subdivisions; 116J.615, by adding a subdivision; 222.63, subdivisions 2 and 4; 296.16, by adding a subdivision; 296.421, by adding a subdivision; and 611.215, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 3.885; 3C.035, subdivision 2; 3C.11, subdivision 2; 3C.12, subdivision 7; 8.15; 14.08; 41A.065, subdivision 8; 43A.08, subdivision 1a; 85.055, subdivision 1; 105.44, subdivision 10; 115C.02, subdivision 13; 116C.712, subdivision 5; 116J.941, subdivision 1; 116J.966, subdivision 1; 116O.03, subdivision 2; 116O.04, subdivision 1; 116O.06, subdivision 1; 161.52; 480.236; 480.241, subdivision 2; and 611.24; Laws 1985, First Special Session chapter 15, section 4, subdivision 6; Laws 1986, chapter 441, section 14; Laws 1987, chapter 348, section 48, subdivision 3; Laws 1987, chapter 357, section 27, subdivision 2; and Laws

New language is indicated by underline, deletions by ~~strikeout~~.