

not adversely affect access of Medicare-eligible residents to Medicare-certified beds.

~~(e)~~ (f) **INSTITUTIONS FOR MENTAL DISEASE.** The commissioner may grant exceptions to the requirements of paragraph (b) for nursing facilities that are designated as institutions for mental disease.

~~(h)~~ (g) **NOTICE OF RIGHTS.** The commissioner shall inform recipients of their rights under this subdivision and section 144.651, subdivision 29.

Sec. 3. PLAN FOR DOWNSIZING INTERMEDIATE CARE FACILITIES.

The commissioner of human services, in consultation with representatives of intermediate care facilities, parents, advocates, and other interested persons and organizations, shall develop a plan to eliminate discharges from regional treatment centers to larger community intermediate care facilities. The plan must be presented to the legislature by January 1, 1991.

Presented to the governor April 28, 1990

Signed by the governor May 4, 1990, 11:04 p.m.

CHAPTER 600—S.F.No. 2195

An act relating to waste; regulating the organized collection of solid waste; regulating the disposal of low-level radioactive waste for a limited period of time; creating a task force on low-level radioactive waste regulation for a limited period of time; appropriating money; amending Minnesota Statutes 1988, sections 115A.94, subdivisions 3 and 4; and 116C.712, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 116C.

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

Section 1. Minnesota Statutes 1988, section 115A.94, subdivision 3, is amended to read:

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

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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~~ shall invite and employ the assistance of interested persons, including persons ~~operating~~ licensed to operate solid waste collection services in the local government unit, 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.

Sec. 2. Minnesota Statutes 1988, section 115A.94, subdivision 4, is amended to read:

Subd. 4. **CITIES AND TOWNS; NOTICE; PLANNING.** (a) At least 90 ~~180~~ days before ~~proposing~~ implementing 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, including persons licensed to operate solid waste collection services, 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.

(c) ~~During the a 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. During this 90-day planning period, the city or town shall invite and employ the assistance of persons licensed as of the date of the resolution of intent to operate solid waste collection services in the city or town. Failure of a licensed collector to participate in the 90-day planning period, when the city or town has made a bona fide effort to provide the person the opportunity to participate, does not invalidate the planning process.

(d) For 90 days after the date ending the planning period required under paragraph (c), the city or town shall discuss possible organized collection arrangements with all licensed collectors operating in the city or town who have expressed interest. If the city or town is unable to agree on an organized

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collection arrangement with a majority of the licensed collectors who have expressed interest, or upon expiration of the 90 days, the city or town may propose implementation of an alternate method of organizing collection as authorized in subdivision 3.

(e) The city or town shall make specific findings that:

(1) describe in detail the procedures it used to plan and to attempt implementation of organized collection through an arrangement with collectors who expressed interest; and

(2) evaluate the proposed organized collection method in light of at least the following standards: achieving the stated organized collection goals of the city or town; minimizing displacement of collectors; ensuring participation of all interested parties in the decision-making process; and maximizing efficiency in solid waste collection.

~~(4) (f)~~ Upon request, the city or town shall provide mailed notice of ~~subsequent~~ all proceedings on the organization of collection in the city or town.

Sec. 3. Minnesota Statutes 1988, section 116C.712, subdivision 5, is amended to read:

Subd. 5. **ASSESSMENT.** (a) A person, firm, corporation, or association in the business of owning or operating a nuclear fission electrical generating plant in this state shall pay an assessment to cover the cost of:

(1) monitoring the federal high-level radioactive waste program under the Nuclear Waste Policy Act, United States Code, title 42, sections 10101 to 10226;

(2) advising the governor and the legislature on policy issues relating to the federal high-level radioactive waste disposal program;

(3) surveying existing literature and activity relating to radioactive waste management, including storage, transportation, and disposal, in the state; ~~and~~

(4) an advisory task force on low-level radioactive waste deregulation, created by a law enacted in 1990 until July 1, 1996; and

(5) other general studies necessary to carry out the purposes of this subdivision.

The assessment must not be more than the appropriation to the state planning agency for these purposes.

(b) The state planning agency shall bill the owner or operator of the plant for the assessment at least 30 days before the start of each quarter. The assessment for the second quarter of each fiscal year must be adjusted to compensate for the amount by which actual expenditures by the state planning agency for

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the preceding year were more or less than the estimated expenditures previously assessed. The billing may be made as an addition to the assessments made under section 116C.69. The owner or operator of the plant must pay the assessment within 30 days after receipt of the bill. The assessment must be deposited in the state treasury and credited to the special revenue fund.

(c) The authority for this assessment terminates when the department of energy eliminates Minnesota from further siting consideration for high-level radioactive waste by starting construction of a high-level radioactive waste disposal site in another state. The assessment required for any quarter must be reduced by the amount of federal grant money received by the state planning agency for the purposes listed in this section.

(d) The state planning agency must report annually by July 1 to the legislative commission on waste management on activities assessed under paragraph (a).

Sec. 4. [116C.851] DEFINITIONS.

Subdivision 1. FACILITY. "Facility" has the meaning given in section 116C.831, article II, paragraph (f).

Subd. 2. LOW-LEVEL RADIOACTIVE WASTE. "Low-level radioactive waste" means waste that consists of or contains class A, B, or C radioactive waste as defined by Code of Federal Regulations, title 10, section 61.55, as in effect on January 26, 1983.

Sec. 5. [116C.852] LOW-LEVEL RADIOACTIVE WASTE DISPOSAL.

No low-level radioactive waste may be treated, recycled, stored, or disposed of in this state except at a facility that is specifically licensed for treatment, recycling, storage, or disposal of low-level radioactive waste regardless of whether or not the waste has been reclassified as "below regulatory concern" by the United States Nuclear Regulatory Commission pursuant to a generic rule or standard adopted after January 1, 1990.

Sec. 6. ADVISORY TASK FORCE.

(a) The commissioner of the pollution control agency shall appoint an advisory task force on low-level radioactive waste deregulation. The task force must include representatives from the office of waste management, pollution control agency, department of health, a public interest consumer advocate organization, organized labor, environmental organizations, and affected industry. The task force shall evaluate information available on a national and international level. The members shall serve without compensation.

(b) The advisory task force shall report to the advisory committee under Minnesota Statutes, section 116C.839 and the senate and house committees on environment.

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(c) The amount of the expenses of the study and the advisory task force are appropriated from the general fund to the commissioner of the pollution control agency. The director of the state planning agency shall make an assessment under Minnesota Statutes, section 116C.712, subdivision 5, to cover the cost of the expenses for the task force and the study expenses under section 7. The assessment shall be deposited in the general fund and credited for this purpose.

Sec. 7. DUTIES OF THE ADVISORY TASK FORCE ON LOW-LEVEL RADIOACTIVE WASTE DEREGULATION.

The advisory task force on low-level radioactive waste deregulation shall:

(1) design and initiate a study that will be a cost-benefit analysis of deregulation of "low-level" radioactive waste costs, including health, and environmental costs and effects, including both dollar and nondollar effects in both the long-term and the short-term;

(2) determine who will conduct the study;

(3) determine the timelines for the study;

(4) evaluate the cost-benefit study; and

(5) make a recommendation on continuation of the moratorium and other recommendations to the legislature by January 1, 1994.

Sec. 8. REPEALER.

Sections 4 to 7 are repealed effective June 30, 1996.

Sec. 9. EFFECTIVE DATE.

Sections 1 and 2 are effective August 1, 1990, and apply to cities, towns, and counties that initiate action to organize solid waste collection on or after that date. Sections 3 to 7 are effective the day following final enactment.

Presented to the governor April 28, 1990

Signed by the governor May 8, 1990, 8:44 p.m.

CHAPTER 601—S.F.No. 1894

An act relating to environment and natural resources; amending provisions relating to metropolitan water management organizations; providing legislative commission oversight of the metropolitan water management act; providing for appointment of metropolitan watershed district managers from residents within the district; authorizing management and financing of drainage systems under certain laws; clarifying water management purposes; providing for

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