

(iii) transport the dump materials to the qualified facility according to a process and schedule acceptable to the commissioner and, at owner's cost, pay all transportation costs related to the activity; and

(iv) complete cleanup, final grading, seeding, and other related activities for the area where the dump existed.

(b) in order to qualify for consideration for disposal of dump materials at qualified facilities, the owner of the site where the dump materials were disposed shall notify the commissioner, in writing, at least six months before closure activity at the qualified facility indicating the owner's desire to dispose of the dump material at the qualified facility in order to allow adequate time for construction planning and public information activities. The commissioner shall consider requests based on the schedule of closure and closure upgrade activities at qualified facilities. The commissioner shall require the owner of the site to submit, at the owner's expense, physical and chemical evaluation data regarding the dump material including any necessary coring, excavation, or other sampling data at least six months before closure construction to assist the commissioner in making the determination whether or not to accept the material.

(c) The commissioner may reject any and all requests to dispose of dump materials at qualified facilities.

(d) Nothing in this section shall be construed as allowing unpermitted disposal facilities to be included as qualified facilities in the closed landfill program.

### **Sec. 3. EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor March 19, 1998

Signed by the governor March 23, 1998, 10:40 a.m.

## **CHAPTER 307—S.F.No. 2581**

*An act relating to local government; permitting the appointment of the Olmsted county auditor/treasurer.*

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

### **Section 1. AUDITOR/TREASURER MAY BE APPOINTED.**

Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Olmsted county board of commissioners, the county auditor/treasurer in the county is not elective but must be filled by appointment by the county board as provided in the resolution.

### **Sec. 2. BOARD CONTROLS, MAY CHANGE, AS LONG AS DUTIES DONE.**

Upon adoption of a resolution by the Olmsted county board of commissioners and subject to sections 3 and 4, the duties of the elected official required by statute whose of-

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

office is made appointive as authorized by this act must be discharged by the board of commissioners of Olmsted county acting through a department head appointed by the board for that purpose. A reorganization, reallocation, or delegation or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

### Sec. 3. INCUMBENTS TO COMPLETE TERMS.

The person elected at the November 1994 general election to the position of auditor/treasurer must serve in that capacity and perform the duties, functions, and responsibilities required by statute, until the completion of the term of office to which elected, or until a vacancy occurs in the office, whichever occurs earlier.

### Sec. 4. PUBLISHING RESOLUTIONS, PETITION, REFERENDUM.

The county board, before acting as permitted by section 2 and before making an appointment as permitted by section 1 or 2, but after adopting a resolution permitted by section 1 or 2, must publish the resolution once each week for two consecutive weeks in the official publication of the county. The resolution may be implemented without the submission of the question to the voters of the county, unless within 21 days after the second publication of the resolution, a petition requesting a referendum, signed by at least ten percent of the registered voters of the county, is filed with the county auditor/treasurer. If a petition is filed, the resolution may be implemented unless disapproved by a majority of the voters of the county, voting on the question at a regular or special election.

### Sec. 5. EFFECTIVE DATE.

Sections 1 to 4 take effect the day after the filing of a certificate of local approval by the Olmsted county board in compliance with Minnesota Statutes, section 645.021, subdivision 3.

Presented to the governor March 19, 1998

Signed by the governor March 23, 1998, 10:42 a.m.

---

## CHAPTER 308—S.F.No. 2281

*An act relating to Dakota county; authorizing appointment of treasurer/auditor; clarifying the employment status of certain employees; amending Minnesota Statutes 1996, sections 383D.09, by adding a subdivision; and 383D.41, by adding a subdivision.*

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

Section 1. Minnesota Statutes 1996, section 383D.09, is amended by adding a subdivision to read:

**Subd. 5. TREASURER/AUDITOR MAY BE APPOINTED.** (a) The Dakota county board of commissioners may, by resolution, provide that the office of county treasurer/ auditor shall not be elective but shall be filled by appointment by the county board as provided in this subdivision.

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