

(1) Offers, gives, or promises to give, directly or indirectly, to any public officer or employee any benefit, reward or consideration to which he is not legally entitled with intent thereby to influence such officer or employee with respect to the performance of his powers or duties as such officer or employee; or

(2) Being a public officer or employee, requests, receives or agrees to receive, directly or indirectly, any such benefit, reward or consideration upon the understanding that he will be so influenced; or

(3) Offers, gives, or promises to give, directly or indirectly any such benefit, reward, or consideration to a witness or one who is about to become a witness in a proceeding before a judicial or hearing officer, with intent that his testimony be influenced thereby, or that he will absent himself from the proceeding; or

~~(4) By any other means induces a witness or one who is about to become a witness to withhold his true testimony or to absent himself from the proceeding; or~~

~~(5)~~-(4) Is, or is about to become such witness and requests, receives, or agrees to receive, directly or indirectly, any such benefit, reward, or consideration upon the understanding that his testimony will be so influenced, or that he will absent himself from the proceeding; or

~~(6)~~-(5) Accepts directly or indirectly a benefit, reward or consideration upon an agreement or understanding, express or implied, that he will refrain from giving information that may lead to the prosecution of a crime or purported crime or that he will abstain from, discontinue, or delay prosecution therefor, except in a case where a compromise is allowed by law.

Approved April 8, 1976.

CHAPTER 179—S.F.No.1383

[Coded in Part]

An act relating to metropolitan government; regulating waste; providing for a levy; amending Minnesota Statutes 1974, Chapter 473, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 473.121, Subdivisions 27, 29, 31, and by adding subdivisions; 473.149, Subdivision 1, and by adding subdivisions; 473.249, Subdivision 1; 473.801, Subdivision 2, and by adding a subdivision; 473.802; 473.803; 473.811; and 473.823; repealing Minnesota Statutes, 1975 Supplement, Sections 473.121, Subdivision 30; 473.149, Subdivision 2; 473.815; and 473.821.

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

Section 1. Minnesota Statutes, 1975 Supplement, Section 473.121,

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Subdivision 27, is amended to read:

Subd. 27. **METROPOLITAN GOVERNMENT; WASTE.** "Solid waste" means garbage, refuse and other discarded solid materials, including solid waste materials and waste sludges resulting from industrial, commercial and agricultural operations, and from community activities, but does not include hazardous waste, animal waste used as fertilizer, earthen fill, boulders, broken rock, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants. Nothing in this definition shall be construed so as to exclude hazardous waste from the definition of solid waste for the purposes of chapter 116 or 116F.

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

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

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

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

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

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

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

Subd. 31b. "Processing" when referring to solid or hazardous waste means the treatment of solid or hazardous waste after collection, and includes all activities after the time the waste is delivered to a waste facility. Processing includes but is not limited to disposal, stor-

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age, containment, separation, exchange, resource recovery, physical or chemical modification, and transfer from one waste facility to another.

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

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

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

473.149 SOLID AND HAZARDOUS WASTE POLICY PLAN. Subdivision 1. By July 1, 1978, the metropolitan council shall prepare and by resolution adopt as part of its development guide a ~~comprehensive-long range policy~~ plan for the ~~disposal-collection and processing~~ of solid waste and the ~~management and disposal~~ of hazardous waste in the metropolitan area ~~for such period as the council deems proper and reasonable; and,~~ When adopted, ~~such the~~ plan shall be followed in the metropolitan area. The plan shall substantially conform to all policy statements, purposes, goals, standards, maps and plans in development guide sections and plans adopted by the council. The plan shall include goals and policies for the collection and processing of solid and hazardous waste in the metropolitan area and, to the extent appropriate, statements and information similar to that required under section 473.146, subdivision 1. The plan shall include criteria and standards for waste facilities and waste facility sites respecting the following matters: general location; capacity; operation; processing techniques; environmental impact; effect on existing, planned, or proposed collection services and waste facilities; and economic viability. For waste facilities owned or operated by public agencies or supported primarily by public funds or obligations, the plan shall include additional criteria and standards respecting financial self-sufficiency based upon competitive rates and charges. In developing the plan the council shall consider the orderly and economic development, public and private, of the metropolitan area; the preservation and best and most economical use of land and water resources in the metropolitan area : ~~The plan shall include a statement of goals and policies for solid waste disposal and hazardous waste disposal and management; criteria for solid waste disposal sites and hazardous waste disposal sites; the general location and capacities of needed disposal sites and facilities; projections of disposal capacities required; regulations for the operation of disposal sites and facilities; a description of disposal techniques which may be used; the type or types of solid waste and hazardous waste to be disposed of at each site or facility; and such other details as the council deems appropriate;~~ the protection and enhancement of environmental quality; the conservation and reuse of resources and energy; the preservation and promotion of conditions conducive to efficient, low cost, competitive, and adaptable systems of waste collection and processing; and the orderly resolution of questions concerning changes in systems of waste

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collection and processing . Criteria for solid waste disposal sites and hazardous waste disposal sites; and regulations for the operation of disposal sites and facilities; included in the plan; shall be consistent with regulations adopted by the pollution control agency pursuant to sections 116.06 and 473.823. The plan may be revised as often as the council deems necessary in the same manner as provided for the adoption thereof. A copy of the comprehensive plan and each revision thereof shall be delivered or mailed to the pollution control agency and the county auditor of each metropolitan county after it has been adopted. Prior to the adoption by the council of its comprehensive plan, no metropolitan county or local government unit shall acquire any solid waste disposal site or hazardous waste disposal site, or facility unless approved by the council; and after the comprehensive plan is adopted no metropolitan county, local government unit or person shall acquire, improve or operate any solid waste disposal site or hazardous waste disposal site or facility in the metropolitan area except in accordance with the plan; provided that no solid waste disposal site or hazardous waste disposal site or facility in use when the comprehensive plan is adopted shall be discontinued solely because it is not located in an area designated in the plan as acceptable for the location of such sites and facilities. Criteria and standards for solid and hazardous waste facilities shall be consistent with regulations adopted by the pollution control agency pursuant to chapter 116 and section 473.823. The hazardous waste portion of the policy plan shall be approved by the pollution control agency in accordance with its standards and regulations prior to adoption by the council.

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

Subd. 3. The policy plan shall be prepared, adopted, and amended in accordance with section 473.146, subdivision 2, provided that the procedural duties and responsibilities established therein for the affected metropolitan commission shall extend to the metropolitan counties and the pollution control agency. In addition to the requirements of section 473.146, subdivision 2, the council shall send notice of any hearing to the pollution control agency and the governing body of each metropolitan county and each local governmental unit, as defined in section 473.801, wherein a waste facility is or may be located in accordance with the plan. Any comprehensive solid and hazardous waste plan adopted by the council prior to the effective date of this act shall remain in force and effect until a policy plan is prepared in accordance with subdivision 1 and adopted by the council. By October 1, 1976, the council shall adopt either interim policies or amendments to the existing comprehensive plan establishing standards and criteria for the review under section 473.823 of permit applications for waste facilities used primarily for resource recovery. For permit applications received by the council prior to October 1, 1976, the council may extend the time period provided for review under section 473.823 until 60 days after the adoption of the interim policies or amendments. No metropolitan county, local government unit, commission, or person shall ac-

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quire, construct, improve or operate any waste facility in the metropolitan area except in accordance with the council's plan and section 473.823, provided that no waste facility in use when a plan is adopted shall be discontinued solely because it is not located in an area designated in the plan as acceptable for the location of such facilities.

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

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

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

[473.516] HAZARDOUS WASTE FACILITIES. Without limiting the grant or enumeration of any of the powers conferred on the council or commission under sections 473.501 to 473.549, the commission shall have the specific power to acquire by purchase, lease, condemnation, gift or grant any real or personal property including positive and negative easements and water and air rights, and it may construct, enlarge, improve, replace, repair, maintain and operate hazardous waste facilities in the metropolitan area deemed to be necessary or convenient in connection with the processing of hazardous waste, and the commission may contract for the maintenance and operation of such waste facilities, subject to the bidding requirements of section 473.523. The commission may accept for processing hazardous waste derived from outside the metropolitan area in the state, as well as hazardous waste derived from within the metropolitan area, and may fix and collect fees and charges for the acceptance of hazardous waste as the commission determines to be reasonable. With respect to its activities under this section, the commission shall be subject to and comply with the applicable provisions of chapter 473. Property acquired by the commission under this section shall be subject to the provisions of section 473.545. Any site or facility owned or operated for or by the commission shall conform to the policy plan adopted by the council under section 473.149 and shall be authorized in accordance with the commission's development program and capital budget approved by the council.

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

Subd. 2. "Local government unit" means any municipal corpora-

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tion or governmental subdivision other than a metropolitan county located in whole or part in the metropolitan area, authorized by law to provide for the ~~disposal~~ processing of solid waste.

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

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

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

473.802 LEGISLATIVE PURPOSE AND POLICY. The legislature determines that for the protection of the public health, safety, and welfare of the people of the metropolitan area, for the prevention, control and abatement of pollution of air and waters of the state in the metropolitan area, and for the efficient and economic ~~disposal~~ collection and processing of solid and hazardous waste in the metropolitan area, it is necessary to authorize the ~~pollution control~~ agency to regulate the handling of hazardous waste and the location and operation of ~~solid waste disposal sites and~~ facilities in the area ; to authorize the metropolitan council to carry on a continuous, long range program of planning with respect to ~~solid and hazardous waste collection and processing and regulate the location and use of, solid~~ to establish criteria and standards and approve permits for waste disposal sites and facilities in the area ; and to authorize the metropolitan counties in the area if necessary to acquire, construct, operate ~~and maintain solid waste facilities, to plan for and regulate solid waste disposal sites collection services and facilities , to collect data on solid and hazardous waste collection and processing systems and procedures, and to regulate the handling of hazardous waste.~~

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

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

473.803 METROPOLITAN COUNTIES; PLANS AND REPORTS. Subdivision 1. **COUNTY MASTER PLANS.** Each metropolitan county, ~~upon receipt of the council's comprehensive following adoption or revision of the council's solid and hazardous waste policy plan and in accordance with the dates specified therein, and after consultation with all affected municipalities , shall prepare and submit to the council for its approval, a report including: a description of county solid and haz-~~

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ardous waste master plan to implement the policy plan. The master plan shall describe county solid and hazardous waste activities, functions, and facilities; the existing system of solid and hazardous waste generation, collection, and processing within the county; existing and proposed county and municipal ordinances and license and permit requirements relating to waste facilities and hazardous and solid waste generation, collection, and processing; existing or proposed municipal, county, or private waste facilities and collection services within the county together with schedules of existing rates and charges to users and statements as to the extent to which such facilities and services will or may be used to implement the policy plan; and any solid waste disposal site or facility which the county owns or plans to acquire to implement the comprehensive plan, ~~construct, or improve together with statements as to the planned method, estimated cost and time of acquisition thereof; a description of any improvements which will be necessary to make the site or facility suitable for solid waste disposal~~, proposed procedures for the operation and maintenance of ~~any such site or each~~ facility; an estimate of the annual cost of operation and maintenance of each site or facility; an estimate of the annual gross revenues which will be received from the operation of each site or facility; and a proposal for the use of each ~~site when filled~~ facility after it is no longer needed or useable as a waste facility. The master plan shall, to the extent practicable, encourage ownership and operation of solid waste facilities by private industry. For waste facilities owned or operated by public agencies or supported primarily by public funds or obligations, the master plan shall contain policies to ensure financial self sufficiency based upon competitive rates and charges. The report shall also include a complete survey of existing or proposed municipal or private solid waste disposal sites and facilities in the county containing information similar to that required for county facilities, and a statement of the extent to which they will or may be used to implement the comprehensive plan. The council shall approve the report if it is in accordance with its comprehensive plan. The report, when approved by the council, shall be implemented by the county. Each report not approved by the council shall be returned to the county with a statement of the reasons for the council's failure to approve it.

Subd. 2. COUNCIL REVIEW. Each metropolitan county, as a part of its solid waste plan, shall prepare and submit to the council for its approval, a report including: a description of the county hazardous waste ordinance, the county hazardous waste generator licensing procedures, proposed procedures for implementing the system, and an estimate of the total number of generators. Council approval or disapproval of the report shall be consistent with this section. The council shall review each master plan or revision thereof to determine whether it is consistent with the council's policy plan. If it is not consistent, the council shall return the plan with its comments to the county for revision and resubmittal. Any county solid or hazardous waste plan or report approved by the council prior to the effective date of this act shall remain in effect until a new master plan is submitted to and approved by the council in accordance with this section.

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

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

473.811 METROPOLITAN COUNTIES; FACILITIES; ORDINANCES; ENFORCEMENT. Subdivision 1. **ACQUISITION.** To accomplish the purpose specified in section 473.803, each metropolitan county may acquire by purchase, lease, gift or condemnation as provided by law, upon such terms and conditions as it shall determine, including contracts for deed and conditional sales contracts, solid waste ~~disposal sites or facilities or properties for solid waste facilities~~ which are in accordance with regulations adopted by the agency, the ~~comprehensive policy~~ plan adopted by the council and the county ~~report-master plan~~ as approved by the council, and may improve or construct improvements on any ~~site property or facility~~ so acquired. ~~No metropolitan city, county or town shall own or operate a hazardous waste facility.~~ Each metropolitan county is authorized to levy a tax in anticipation of need for expenditure for the acquisition and betterment of solid waste ~~disposal sites or facilities~~. If such a tax is levied in anticipation of need, the purpose must be specified in a resolution of the county directing that the levy and the proceeds of the tax may be used only for that purpose. Until so used, the proceeds shall be retained in a separate fund or invested in the same manner as surplus in a sinking fund may be invested under section 475.66. The right of condemnation shall be exercised in accordance with chapter 117. A metropolitan county may acquire property for and operate a solid waste ~~disposal site or facility~~ within the boundaries of any city or town in the metropolitan area, without complying with the provisions of any zoning ordinance adopted after April 15, 1969.

Subd. 2. **FINANCING.** Each metropolitan county may by resolution authorize the issuance of bonds to provide funds for the acquisition or betterment of ~~solid waste facilities or property or property rights ; buildings, structures and equipment~~ for a solid waste ~~disposal site or facility~~, or for refunding any outstanding bonds issued for any such purpose, and may pledge to the payment of ~~such the~~ bonds and the interest thereon, its full faith, credit and taxing powers, or the proceeds of any designated tax levies, or the gross or net revenues or charges to be derived from any ~~such site or facility~~ operated by or for the county, or any combination thereof. Taxes levied for the payment of ~~such the~~ bonds and interest shall not reduce the amounts of other taxes which the county is authorized by law to levy. No election shall be required to authorize the issuance of ~~any such the~~ bonds. Except as

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otherwise provided, ~~such~~ the bonds shall be issued and sold in accordance with the provisions of chapter 475.

Subd. 3. **OPERATION.** Each metropolitan county may operate and maintain solid waste ~~disposal sites and~~ facilities, and for this purpose may employ all necessary personnel, may adopt regulations governing the operation thereof, and may establish and collect reasonable, non-discriminatory rates and charges for the use thereof of the facilities by any local government unit or person, estimated to be sufficient, with any other moneys appropriated for ~~such~~ the purpose, to pay all costs of acquisition, operation and maintenance thereof. Each metropolitan county may use itself or sell all or any part of materials or energy recovered from solid waste to private interests or public agencies for consumption or reuse by them. Section 471.345 and Laws 1951, Chapter 556, as amended shall not apply to the sale of the materials or energy provided that the dealings of each county shall be on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade on the part of the county.

Subd. 4. **CONTRACTS.** Each metropolitan county may contract for the use of existing public or private waste facilities or with any person for the operation and maintenance by such person of any solid waste disposal site or facility owned by it ~~the~~ county. ~~Such~~ ~~The~~ contract shall provide for the operation and maintenance of such site or the facility in accordance with any regulations, criteria, and standards of the pollution control agency, the metropolitan council and the county relating thereto.

Subd. 5. **ORDINANCES.** Each metropolitan county may also adopt ordinances governing the operation ~~collection~~ of solid waste haulers, disposal sites, or facilities in the county by any local government unit or person. The regulation ~~ordinances~~ shall not prevent the hauling of solid waste from one county to another. Such ordinances shall be consistent with applicable regulations adopted by the pollution control agency or the metropolitan council. The county may prescribe a penalty for the violation of any such ordinance not exceeding the maximum which may be specified for a misdemeanor. Any such ordinance enacted shall be published in accordance with the provisions of section 375.51. A Each municipality and town within a metropolitan county may the metropolitan area shall adopt an ordinance governing the collection of solid waste within its boundaries. If the county within which it is located has adopted an ordinance, the municipality or town shall adopt either the county ordinance by reference or a more strict ordinance than the county's to regulate solid waste haulers making pickups within its boundaries. A hauler who qualified under the ordinance of the municipality where he is making pickups may transport solid waste on streets and highways in other municipalities within the county without conforming to their ordinances.

Each metropolitan county shall by ordinance establish and from time to time revise rules, regulations, and standards for waste facilities

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within the county, relating to location, sanitary operation, periodic inspection and monitoring, maintenance, termination and abandonment, and other pertinent matters. The ordinance shall require permits or licenses for waste facilities and shall require that such facilities be registered with a county office.

Each metropolitan county shall by ordinance establish and revise rules, regulations, and standards for hazardous waste management relating to (a) the identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the handling, collection, transportation and storage of hazardous waste, (d) the ultimate disposal site of hazardous waste, and (e) other matters necessary for the public health, welfare and safety. The county shall require permits or licenses for the generation, collection, and processing of hazardous waste and shall require registration with a county office.

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

Subd. 5a. **ENFORCEMENT.** Each metropolitan county shall be responsible for insuring that ~~nonconforming solid waste disposal sites and facilities~~, solid waste collection operations licensed or regulated by the county and hazardous waste generation, collection, and processing operations are brought into conformance with, or terminated and abandoned in accordance with, applicable county ordinances; rules, regulations and requirements of the ~~pollution control~~ agency; and goals, policies, criteria, and standards of the council. Counties may provide by ordinance that operators or owners or both of ~~real property being used for solid waste disposal purposes—such facilities or operations~~ shall be responsible to the county for satisfactorily performing ~~such terminating and abandonment—the procedures required~~. Counties may further provide that, in the event ~~such—If~~ operators or owners or both fail to perform ~~such termination and abandonment activities~~, the county may recover the costs incurred by the county in completing the ~~satisfactory discharge of such termination and abandonment activities the procedures in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be levied against said~~

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~~operators or owners or both, personally, or against any real or personal property involved~~ certified to the county auditor as a special tax against the land. The ordinances may be enforced by action in district court. The county may prescribe a criminal penalty for the violation of any ordinance enacted under this section not exceeding the maximum which may be specified for a misdemeanor .

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

Subd. 7. **JOINT ACTION.** Each metropolitan county and local government unit may act under the provisions of section 471.59 or any other appropriate law providing for joint or cooperative action between government units, to accomplish any purpose specified in sections 473.801 to 473.823 and section 18 of this act .

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

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

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

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

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

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

473.823 POLLUTION CONTROL AGENCY; REGULATIONS AND PERMITS. Subdivision 1. By April 1, 1977, the pollution control agency, to abate or prevent pollution of air and waters of the state in the metropolitan area, shall adopt regulations relating to the location and operation of solid waste disposal sites and facilities in the metropolitan area and regulations having the force of law for the identification, labeling, classification, storage, collection, treatment, and disposal of hazardous waste. In adopting such the regulations the agency shall consider applicable air and water pollution standards, land and water use, soil conditions, geography, topography, ground water pollution, natural drainage, prevailing weather conditions, the costs of acquisition and operation of such sites and facilities, and any other factors it may deem relevant. Such The regulations shall be adopted in accordance with chapter 15. The regulations, to the extent practicable, shall encourage resource recovery and attempt to reduce the metropolitan area's reliance on direct disposal and landfill.

Subd. 2. In the metropolitan area, no metropolitan county or commission, local government unit or person shall commence operation and no metropolitan county, local government unit or person shall or continue operation of any solid waste disposal site or facility, unless a permit for the operation thereof has been issued by the pollution control agency, or unless the site or facility is approved for temporary operation by the pollution control agency prior to the issuance of a per-

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mit.

Subd. 3. The ~~pollution control~~ agency may prescribe permit and permit application forms, and may request applicants to submit in writing all information deemed relevant by the agency. The agency shall request applicants to submit all information deemed relevant by the council to its review, including without limitation information relating to the geographic areas and population served, the need, the effect on existing facilities and services, the anticipated public cost and benefit, the anticipated rates and charges, the manner of financing, the effect on metropolitan plans and development programs, the supply of waste, anticipated markets for any product, and alternative means of disposal or energy production. The agency, or any employee or agent thereof, when authorized by it, may examine any books, papers, records or memoranda of the applicant pertaining to its ~~solid waste disposal site or~~ facility, and may enter on any property, public or private, for the purpose of obtaining information, conducting surveys or making investigations relative to the location or operation of a ~~solid waste disposal site or~~ facility. The agency may issue permits for the operation of ~~solid waste disposal sites and~~ facilities by any metropolitan county or commission, local government unit or person where the operation thereof is consistent with applicable regulations adopted by the agency pursuant to subdivision 1, provided that no permit may be issued for the operation of a ~~solid waste disposal site or~~ facility in the metropolitan area which is not in accordance with the metropolitan council's ~~comprehensive solid and hazardous waste policy~~ plan. The metropolitan council shall determine whether a permit is in accordance with the goals, policies, standards, and criteria in its comprehensive-policy plan. In making its determination, the council shall consider the area-wide need and benefit of the applicant facility and may consider, without limitation, the effect of the applicant facility on existing and planned waste facilities described in a waste control commission development program or county report or master plan. If the council determines that a permit is in accordance with its policy plan, the council shall approve the permit. If the council determines that a permit is not in accordance with its policy plan, it shall disapprove the permit. The council's approval of permits may be subject to conditions necessary to satisfy criteria and standards in its policy plan, including conditions respecting the type, character, and quantities of waste to be processed at a waste facility used primarily for resource recovery and restrictions on the geographic territory from which a waste facility used primarily for resource recovery may draw its waste. For this the purpose of this review and approval by the council, the agency shall send a copy of each permit application and any supporting information furnished by the applicant to the metropolitan council within 15 days after receipt of the application and all other information requested from the applicant. Within ~~45-60~~ days after the application and supporting information are received by the council, it-unless a time extension is authorized by the agency, the council shall issue to the agency in writing its determination whether the permit is in accordance with its comprehensive plan-disapproved, approved, or approved with conditions. If the

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council does not issue its determination to the agency within the ~~45-60~~ day period, unless a time extension is authorized by the agency, the permit shall be deemed to be in accordance with the council's ~~comprehensive-policy~~ plan. No permit may be issued in the metropolitan area for a waste facility used primarily for resource recovery, if the facility or site is owned and operated by a public agency or if the acquisition or betterment of the facility or site is secured by obligations pledging the full faith and credit or taxing powers of a city, county, or town, unless the council finds that adequate markets exist for the products recovered without substantially reducing the supply of solid waste available for existing resource recovery operations and that all costs of operation, administration, maintenance and debt service will be covered by reasonable rates and charges for the use of the facility.

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

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

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

[473.151] DISCLOSURE. For the purpose of the regulations, plans, and reports required or authorized by section 473.149, section 10 of this act, and sections 473.801 to 473.823 and this section, each generator of hazardous waste and each owner or operator of a collection service or waste facility annually shall make the following information available to the agency, council, and metropolitan counties: a schedule of rates and charges in effect or proposed for a collection service or the processing of waste delivered to a waste facility and a description, in aggregate amounts indicating the general character of the solid and hazardous waste collection and processing system, of the types and the quantity, by types, of waste generated, collected, or processed. The county, council, and agency shall act in accordance with the provisions of section 116.075, subdivision 2, with respect to information for which confidentiality is claimed.

Sec. 19. Minnesota Statutes, 1975 Supplement, Section 473.249,

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Subdivision 1, is amended to read:

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

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

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

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

Approved April 8, 1976.

CHAPTER 180—S.F.No.1570

An act relating to insurance; providing that the same priorities of security for payment of basic economic loss benefits apply to school buses as to non-commercial motor vehicles under the Minnesota no-fault insurance act; amending Minnesota Statutes 1974, Section 65B.47, Subdivision 1.

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

Section 1. Minnesota Statutes 1974, Section 65B.47, Subdivision 1, is amended to read:

65B.47 **INSURANCE; NO-FAULT; SCHOOL BUSES.** Subdivision 1. In case of injury to the driver or other occupant of a motor vehicle other than a vehicle being used to transport children to school or to a school sponsored activity , if the accident causing the injury occurs while the vehicle is being used in the business of transporting persons or property, the security for payment of basic economic loss benefits is the security covering the vehicle or, if none, the security under which the injured person is an insured.

Approved April 8, 1976.

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