

The term "tenant-stockholders" means an individual who is a stockholder in a cooperative apartment corporation, and whose stock is fully paid up in an amount not less than an amount shown to the satisfaction of the commissioner as bearing a reasonable relationship to the portion of the value of the corporation's equity in the building and the land on which it is situated which is attributable to the apartment which such individual is entitled to occupy. For purposes of this subdivision, if a bank or other lending institution acquires by foreclosure, or by instrument in lieu of foreclosure, the stock of a tenant-stockholder, and a lease or the right to occupy an apartment to which the stock is appurtenant, the bank or other lending institution shall be treated as a tenant-stockholder for a period not to exceed three years from the date of acquisition. The preceding sentence shall apply even though, by agreement with the cooperative apartment corporation, the bank or other lending institution, or its nominee, may not occupy the apartment without the prior approval of the corporation.

Sec. 4. Minnesota Statutes 1978, Section 290.09, is amended by adding a subdivision to read:

Subd. 17a. STOCK ACQUIRED BY ORIGINAL SELLER IN COOPERATIVE APARTMENT CORPORATION. If the original seller acquires any stock of a cooperative apartment corporation (1) from the corporation by purchase, or (2) by foreclosure, or by instrument in lieu of foreclosure, of any purchase-money security interest in stock of the corporation held by the original seller, for purposes of subdivision 17, the original seller shall be treated as a tenant-stockholder for a period not to exceed three years from the date of acquisition. This subdivision shall apply with respect to any acquisition of stock of a cooperative apartment corporation only if, together with such acquisition, the original seller acquires the right to occupy an apartment to which the stock is appurtenant. For purposes of the preceding sentence, there shall not be taken into account the fact that, by agreement with a cooperative apartment corporation, the original seller or its nominee may not occupy an apartment without the prior approval of the corporation. The term "original seller" means the person or corporation from whom the cooperative apartment corporation has acquired the apartments or leaseholds therein.

Sec. 5. EFFECTIVE DATE. Sections 1 and 2 are effective for taxes levied in 1980 and thereafter, payable in 1981 and thereafter. Sections 3 and 4 are effective for taxable years beginning after December 31, 1979.

Approved April 14, 1980

#### CHAPTER 563—H.F.No. 729

*An act relating to public welfare; increasing personal needs allowance for residents of certain facilities; restricting the use of allowances by third parties; providing for a civil action and damages; providing a penalty; appropriating money; amending Minnesota Statutes 1978, Section 256B.35.*

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

Section 1. Minnesota Statutes 1978, Section 256B.35, is amended to read:

**256B.35 PERSONAL ALLOWANCE, PERSONS IN SKILLED NURSING HOMES OR INTERMEDIATE CARE FACILITIES.** Subdivision 1. Notwithstanding any law to the contrary, welfare allowances for clothing and personal needs for individuals receiving medical assistance while residing in any skilled nursing home or intermediate care facility, including recipients of supplemental security income, in this state shall not be less than \$30 \$35 per month from all sources.

Provided that this personal needs allowance may be paid as part of the Minnesota supplemental aid program, notwithstanding the provisions of section 256D.37, subdivision 2, and payments to the recipients from Minnesota supplemental aid funds may be made once each three months beginning in October, 1977 covering liabilities that accrued during the preceding three months.

Subd. 2. Neither the skilled nursing home, the intermediate care facility nor the department of public welfare shall withhold or deduct any amount of this allowance for any purpose contrary to this section.

Subd. 3. The nursing home may not commingle the patient's funds with nursing home funds or in any way use the funds for nursing home purposes.

Subd. 4. The ~~department commissioner~~ of public welfare is ~~authorized to~~ shall conduct field audits at the same time as cost report audits required under section 256B.27, subdivision 2a, and at any other time but at least once every three years, without notice to determine whether this section was complied with and that the funds provided residents for their personal needs were actually expended for that purpose.

Subd. 5. The nursing home may transfer the personal allowance to someone other than the recipient only when the recipient or his guardian or conservator designates that person in writing to receive or expend funds on behalf of the recipient and that person certifies in writing that the allowance is spent for the well being of the recipient. Persons, other than the recipient, in possession of the personal allowance, may use the allowance only for the well being of the recipient. Any person, other than the recipient, who, with intent to defraud, uses the personal needs allowance for purposes other than the well being of the recipient shall be guilty of theft and shall be sentenced pursuant to section 609.52, subdivision 3, clauses (1), (2) and (5). To prosecute under this subdivision, the attorney general or the appropriate county attorney, acting independently or at the direction of the attorney general, may institute a criminal action. A nursing home that transfers personal needs allowance funds to a person other than the recipient in good faith and in compliance with this section shall not be held liable under this subdivision.

Subd. 6. In addition to the remedies otherwise provided by law, any person injured by a violation of any of the provisions of this section, may bring a civil action and recover damages, together with costs and disbursements, including

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costs of investigation and reasonable attorney's fees, and receive other equitable relief as determined by the court.

Sec. 2. EFFECTIVE DATE. The amendment made to Minnesota Statutes 1978, Section 256B.35, by section 1, subdivision 1, is effective January 1, 1981.

Sec. 3. APPROPRIATION. The sum of \$452,500 is appropriated from the general fund to the commissioner of public welfare for purposes of section 1, subdivision 1. This appropriation is available until June 30, 1981.

Approved April 14, 1980

## CHAPTER 564—H.F.No. 2023

*An act relating to waste management; establishing a waste management board and a legislative commission; establishing a state government resource recovery program; establishing solid waste planning assistance and demonstration programs; providing for the issuance of state waste management bonds; providing for the establishment of solid waste management districts; requiring solid and hazardous waste management planning and development; establishing state and metropolitan procedures for the review and approval of permits for waste facilities; providing that certain solid waste disposal facilities are not exempt from real property taxes; authorizing the acquisition of property by purchase and eminent domain; authorizing debt; appropriating money; amending Minnesota Statutes 1978, Sections 116.06, Subdivisions 9, 10, 13, and by adding subdivisions; 116.07, Subdivisions 2, 4, 4a, and by adding subdivisions; 116.081, Subdivision 1; 116.101; 116.41; 272.02, Subdivision 1; 400.03, Subdivision 1; 400.04; 400.06; 400.07; 400.13; 400.16; 400.161; 473.121, by adding a subdivision; 473.149; 473.502; 473.516; 473.801, Subdivision 1; 473.802; 473.803; 473.811; 473.813; 473.823, Subdivision 3, and by adding subdivisions; Chapter 400, by adding a section; and Chapter 473, by adding sections; repealing Minnesota Statutes 1978, Sections 116F.02, Subdivisions 3, 4, and 5; 116F.03; 116F.04; 116F.05, Subdivision 2; 400.03, Subdivisions 2 to 7; 473.121, Subdivisions 27 to 31c; 473.823, Subdivisions 1, 2, and 4; and Laws 1978, Chapter 728, Section 7.*

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

### ARTICLE I

#### CITATION, PURPOSE, AND DEFINITIONS

Section 1. [115A.01] CITATION. Articles I to VIII shall be known as the waste management act of 1980.

Sec. 2. [115A.02] LEGISLATIVE DECLARATION OF POLICY; PURPOSES. It is the goal of articles I to VIII to improve waste management in the state to serve the following purposes:

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