

implementation of ~~a complete system of the~~ program budgeting system for all state departments and agencies. Such program budget system shall, to the greatest extent practicable, emphasize alternative approaches in the program development and criteria for performance evaluation and measurement. All state departments and agencies shall cooperate with the commissioner to assure implementation of program budgets which meet the requirements of the commissioner and which give due regard to the requirements of the various departments and agencies involved. No state agency shall begin or install any system of program or programmatic budgeting until they have first secured the explicit permission of the commissioner of administration.

Sec. 2. Minnesota Statutes 1969, Section 16.141, is amended by adding a subdivision to read:

Subd. 3. Notwithstanding any other law to the contrary, the commissioner of administration may waive the requirement for submitting a budget by object of expenditure for not more than three agencies and departments which are requesting programmatic appropriation.

Approved June 7, 1971.

CHAPTER 881—S.F.No.2257

An act relating to the regulation and control of junk yards on trunk highways; amending Minnesota Statutes 1969, Section 161.242.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 161.242, is amended to read:

161.242 TRUNK HIGHWAYS; JUNK YARD ACT. Subdivision 1. **LEGISLATIVE FINDINGS AND PURPOSE.** It is hereby found that the operation of ~~unsightly~~ motor vehicle, agricultural, ~~or~~ construction machinery or other junk yards adjacent to the trunk highways on which motor vehicles are operated ~~at high speed~~ is a distracting influence on drivers, thereby impairing the public safety; and that junk yards are unsightly, thus impairing the public investment in such highways. It is hereby found and declared that in the interest of and to promote the public safety, to protect the public investment in such highways, and to preserve natural beauty,

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it is necessary to regulate the operation of ~~motor vehicle or agricultural or construction machinery~~ junk yards on lands adjacent to the trunk highways of the state.

Subd. 2. **DEFINITIONS.** (1) For the purposes of this section, the terms defined in this subdivision shall have the meanings given them.

(2) ~~Junk yard means motor vehicle, agricultural machinery or construction machinery junk yard used as a place of storage or deposit, an establishment, place of business, or place of storage or deposit, which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and shall include garbage dumps and sanitary fills, any of which are wholly or partly within one half mile of any right-of-way of any state trunk highway, including the interstate highways, whether maintained in connection with another business or not, where the waste, body, or discarded material stored is equal in bulk to five or more motor vehicles and which are to be resold for used parts or old iron, metal, glass, or other discarded material.~~

(3) Dealer means any person, partnership, or corporation engaged in the operation of ~~a motor vehicle, agricultural or construction machinery~~ junk yard.

(4) ~~A highway is a trunk highway outside the corporate limits of a city, village or borough. Junk means old or scrap copper, brass, rope, rags, batteries, paper, synthetic or organic, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles or farm or construction machinery or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.~~

(5) Automobile graveyard means any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(6) Unzoned industrial area means the land occupied by the regularly used building, parking lot, storage or processing area of an industrial activity, and the land within 1,000 feet thereof which is located on the same side of the highway as the principal part of said activity, and not predominantly used for residential or commercial purposes, and not zoned by state or local law, regulation or ordinance.

(7) Industrial activities means those activities permitted only in industrial zones, or in less restrictive zones by the nearest zoning authority within the state, or prohibited by said authority but generally recognized as industrial by other zoning authorities within the state, except that none of the following shall be considered industrial activities:

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(a) Outdoor advertising devices as defined in Minnesota Statutes 1969, Sections 173.02, Subdivision 2, and 173.32, Subdivision 2.

(b) Agricultural, forestry, ranching, grazing, farming and related activities, including, but not limited to, wayside fresh produce stands.

(c) Activities normally and regularly in operation less than three months of the year.

(d) Activities not visible from the traffic lanes of the main traveled way.

(e) Activities conducted in a building principally used as a residence.

(f) Railroad tracks, minor sidings, and passenger depots.

(g) Junk yards, as defined herein.

Subd. 3. UNAUTHORIZED JUNK YARDS PROHIBITED. (1)

No person shall operate or cause to be operated any junk yard may exist or be operated outside a zoned or unzoned industrial area, including those located on public lands and reservations of the United States, unless it be screened so as to effectively conceal it from the view of motorists using the highway. The screening required by this section may be effected by trees, shrubs, or foliage at least eight feet high at maturity which affords a sufficient screen, natural objects, fences or other appropriate means as determined by standards established by the commissioner. Plantings which will eventually achieve effective screening shall be acceptable. Plantings shall be used in connection with any fence or other non-natural screening device.

(2) Any such junk yard or portion thereof which cannot effectively be screened shall be removed or relocated pursuant to the provisions of this section on or before July 1, 1974. Any such junk yard lawfully existing on a highway which is made a part of the trunk highway system after January 1, 1972, and becomes nonconforming thereby shall be effectively screened or removed or relocated within three years thereafter. Any junk yard which comes into existence after the date of enactment of this act which does not conform to this act, or which becomes nonconforming after that date, or which becomes nonconforming after action by the commissioner pursuant to this act, is hereby declared to be a public nuisance and illegal, and the commissioner may enter upon the land where the junk yard is located and may screen the same, or may relocate or dispose of the junk yard after 90 days notice to the owner or dealer thereof, if known, or to the owner of the land. In this event, no compensation shall be paid to the owner or dealer or owner of the land, and the commissioner may collect the cost of screening, removal, relocation or

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disposal from the owner or dealer, if known, or from the owner of the land upon which the junk yard is located.

~~(2)~~ (3) None of the articles commonly found in junk yards shall be allowed to remain on the grounds for more than 24 hours unless within the buildings or the properly screened area as provided herein, nor shall any junk in any junk yard be allowed to extend above existing or planned screening so as to be visible from the highway.

Subd. 4. AUTHORITY. The commissioner shall screen junk yards when required by this act at locations on the right-of-way of the highway or on lands within 1,000 feet of the right-of-way and shall pay for the costs thereof. If screening is not feasible because of economic or topographic reasons, the commissioner shall secure the removal, relocation or disposal of such junk yard by sale, agreement, or other means, and pay for the costs thereof. Notwithstanding the other provisions of this act, if a junk yard exists within one-half mile of the right-of-way of any trunk highway and is visible from the highway, the commissioner may acquire easements for screening purposes up to one-half mile from the edge of the right-of-way of the highway. The commissioner shall acquire such rights and interest in property, personal or real, necessary to carry out the purposes of this section by purchase, gift, or eminent domain proceedings and shall pay just compensation therefor. The commissioner shall not be required to expend any funds for such purposes unless federal moneys are available to the state and have been appropriated for junk yards described in Title 23, United States Code, Section 136 (j). All costs described herein shall be necessary for a highway purpose.

Subd. 4 5 . PENALTY. Any junk yard operated in violation of this section is declared to be a public nuisance, and The violator owner or dealer of any junk yard which is declared a public nuisance and illegal under subdivision 3 (2), or who violates any provision of this act shall be guilty of a misdemeanor. Each day such a condition exists is a separate offense.

Subd. 6. AGREEMENTS WITH UNITED STATES. The commissioner is authorized to do all things necessary, including, but not limited to, entering into agreements with the United States or any of its agencies or departments as provided in Title 23, United States Code, Section 136, with respect to control of junk yards, or any other applicable federal statute, and the rules and regulations promulgated pursuant thereto, to accomplish the purposes of this act and to take such action as may be necessary to obtain all available federal moneys therefor.

Subd. 7. OTHER REGULATION ALLOWED. Nothing in this act shall be construed to limit any right, power or authority to regulate more strictly and control the erection or maintenance of junk yards under the provisions of any other law of this state.

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Subd. ~~5~~ 8 . **CITATION.** This section is the ~~motor vehicle, construction or agricultural machinery~~ junk yard act.

Subd. ~~6~~ 9 . **EFFECTIVE DATE.** This section is effective on ~~January 1, 1969~~ July 1, 1971 .

Approved June 7, 1971.

CHAPTER 882—S.F.No.2518

An act relating to intoxicating liquor; authorizing the issuance of certain licenses thereof; amending Minnesota Statutes 1969, Section 340.14, Subdivision 3.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 340.14, Subdivision 3, is amended to read:

Subd. 3. **INTOXICATING LIQUOR; UNIVERSITY OF MINNESOTA; SALES; WHERE FORBIDDEN.** No intoxicating liquors shall be sold in any of the following places:

- (1) Within the capitol or upon the grounds thereof;
- (2) Upon the state fairgrounds or within one half mile thereof. While the state fair is being held, any person who sells any liquor or maintains a drinking place within one mile of the state fairgrounds, or aids or abets another in either of such acts, is guilty of a gross misdemeanor, and shall be punished for the first offense by a fine of not less than \$100 nor more than \$250 or by imprisonment for not less than 30 nor more than 90 days or by both; for each subsequent offense by a fine of not less than \$500 nor more than \$1000 or by imprisonment for not less than 3 nor more than 6 months or by both;
- (3) Within one mile of the school of agriculture of the University of Minnesota located in Section 21, town 29, range 23 west of Ramsey county. Any person who shall sell intoxicating liquor or maintains a drinking place within one mile of the school of agriculture of the University of Minnesota, or who aids and abets another in either of such acts is guilty of a gross misdemeanor; and shall be punished for the first offense by a fine of not more than \$100 or by imprisonment for not less than 60 nor more than 90 days; for each subsequent offense by a fine of not less than \$500 nor more than \$1000 or by

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