

CHAPTER 748—H.F.No.1821

[Coded]

An act relating to the environmental impact, reduction, reuse and recycling of solid waste; authorizing state grants to regions, municipalities, and institutions therefor; prescribing duties and powers of the Minnesota pollution control agency; providing penalties; imposing a solid waste disposal charge; appropriating funds.

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

Section 1. **[116F.01] RECYCLING OF SOLID WASTE; STATEMENT OF POLICY.** The legislature seeks to encourage both the reduction of the amount and type of material entering the solid waste stream and the reuse and recycling of materials. Solid waste represents discarded material and energy resources, and it also represents an economic burden to the people of the state. The recycling of solid waste materials is one alternative for the conservation of material and energy resources, but it is also in the public interest to reduce the amount of materials requiring recycling or disposal.

The legislature also seeks to encourage the design and implementation of regional programs for materials conservation which take into account the variations in solid waste generation throughout the state.

Sec. 2. **[116F.02] DEFINITIONS.** Subdivision 1: As used in sections 1 to 8, the terms defined in this section have the meanings given to them.

Subd. 2. "Agency" means the Minnesota pollution control agency.

Subd. 3. "Institution" means an incorporated private organization.

Subd. 4. "Municipality" means any city, village, borough, or any designated agency thereof.

Subd. 5. "Region" means any county, group of counties, group of municipalities, any special district, or any designated agency thereof.

Subd. 6. "Resource recovery system" means any system used for (a) the recovery of materials or energy from solid waste, or for (b) the collection, transportation, separation, sorting, processing or storage of solid materials which aids in the recovery of materials or energy from solid waste.

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Subd. 7. "Solid waste generation" means that a solid material in its final configuration has fulfilled the purpose for which it was created, cannot be reused in its final configuration, and must be disposed of or recycled into a new or different product.

Sec. 3. [116F.03] **STATE AID TO REGIONS, MUNICIPALITIES, INSTITUTIONS.** The agency may, in the name of the state and within the limit of appropriations provided herein, make or contract to make grants-in-aid to any region, municipality, or institution for:

(1) The development of feasibility studies for resource recovery systems or facilities;

(2) The construction of a resource recovery facility or implementation of a resource recovery system; and

(3) The development of programs to encourage solid materials conservation and the reduction of environmental impact from solid waste, including but not limited to, public education and encouragement of market demand for reusable or recyclable materials.

Sec. 4. [116F.04] **RULES.** Subdivision 1. The agency shall promulgate rules for the administration of grants authorized in section 3. The rules shall establish and contain as a minimum:

(a) Procedures for grant applications by regions, municipalities, or institutions;

(b) Conditions and procedures for the administration of such grants;

(c) Criteria of eligibility for grants including, but not limited to, those specified in subdivision 2; and

(d) Such other matters as the agency may find necessary to the proper administration of the grant program.

Subd. 2. The rules of the agency shall provide that a high priority be given to applications for projects and programs designed to service more than one county or designed to service areas of the state where natural geologic conditions make sanitary landfills undesirable. The rules shall contain criteria relating to:

(a) The technological feasibility of a project;

(b) The availability of other sources of financing; and

(c) The adequacy of provisions to assure proper, efficient and economical operation and maintenance of a resource recovery project after the construction is completed or the resource recovery system is implemented.

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Subd. 3. Grant-in-aid payments made by the agency pursuant to section 3, shall not exceed 50 percent of the total costs of the projects or programs funded.

Subd. 4. Funding under section 3 shall not be made available to any resource recovery facility which accepts solid waste material which is transported to the facility primarily in motor vehicles with a load capacity of less than ten cubic yards.

Sec. 5. **[116F.05] POWERS AND DUTIES.** Subdivision 1. **STATE POWERS.** In administering and enforcing sections 1 to 8, the agency may:

(a) Initiate and conduct public education programs which encourage the conservation of solid materials, the reduction of solid waste generation, and the reduction of environmental impact of solid waste;

(b) Encourage the development of markets for reusable or recyclable solid materials;

(c) Conduct studies of the environmental, resource and economic impact, and of the relative advisability or preference of use, of various material components which enter the solid waste stream;

(d) Develop recommendations to encourage redesign and the standardization of material composition and configuration, in order to facilitate material reuse or recyclability;

(e) Assist in the planning and development of resource recovery systems; and

(f) Encourage the extension of the useful lives of products, and the reduction of both solid waste generation and solid waste management costs.

Subd. 2. **POWERS OF GRANTEEES.** A region, municipality, or institution may apply to and contract with the agency for state aid, but may expend aid moneys received from the agency pursuant to this act only for purposes which are consistent with sections 1 to 6.

Subd. 3. **LIMITATION.** In exercising its powers under this section, the agency shall seek those alternatives which maximize the conservation of energy and materials while minimizing the environmental impact and the cost to the people of the state. Consideration shall be given to economic factors, including but not limited to, effects on the labor force.

Sec. 6. **[116F.06] PACKAGES AND CONTAINERS; ASSISTANCE; ORDERS; REPORT.** Subdivision 1. The agency shall

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advise and assist industry and business within the state in providing and developing packaging and containers consistent with environmental policies of the state.

Subd. 2. The agency shall review new or revised packages or containers except when such changes involve only color, size, shape or printing. The agency shall review innovations including, but not limited to, changes in constituent materials or combinations thereof and changes in closures. When the agency determines that any new or revised package or container would constitute a solid waste disposal problem or be inconsistent with state environmental policies, the manufacturer of the product may withdraw it from further consideration until such time as the manufacturer may resubmit such product to the agency, or, the agency may, by order made after notice and hearing as provided in Minnesota Statutes, Chapter 15, and following an additional period not to exceed 30 days during which the environmental quality council may review the proposed action, prohibit the sale of the package or container in the state. Any such prohibition shall continue in effect until revoked by the agency or until the last legislative day of the next following legislative session, whichever occurs first, unless extended by law. This subdivision shall not apply to any package or container sold at retail in this state prior to final enactment of this act.

Subd. 3. The agency shall adopt and may amend or rescind guidelines identifying the types of new or revised containers and packaging that are subject to its review after notice and hearing as provided in Minnesota Statutes, Section 15.0412, Subdivision 4. Any person may submit to the agency a sample of a package or container for agency review. The agency shall review the sample, and may require the person to furnish such additional samples and information as may be necessary for it to determine the environmental or solid waste disposal problems that the container or packaging would cause. Except as may be necessary in connection with any public hearing, the agency shall keep the samples and information confidential if the person submitting them certifies that disclosure of said samples and information would affect the competitive position of the person. If the agency fails to issue an order prohibiting sale of a package or container within 120 days after the sample was submitted, the agency shall not prohibit it thereafter. The agency may, however, for good cause, order the 120 day period to be extended for an additional period not to exceed 30 days.

Subd. 4. The agency's report to the legislature on progress on abatement of land pollution required by Minnesota Statutes, Section 116.10, shall be supplemented by annual recommendations concerning problems relating to solid waste generation and sug-

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gested remedies, including but not limited to the prohibition of the sale or use of any package or container.

Subd. 5. **NON-SEVERABILITY.** The provisions of this section shall not be severable. If any provision of this section is found to be void for any reason, the remaining provisions of the section shall be void also.

Sec. 7. **[116F.07] USER FEE IMPOSED.** A user fee of 15 cents per cubic yard shall be levied on solid waste materials disposed of at a permitted landfill, or at a permitted incinerator without heat recovery when the incinerator capacity is greater than 400 pounds per hour, except that no fee shall be levied against a company for by-product materials produced by its manufacturing, construction, power-generating or mining processes when such materials are disposed of at the company's private disposal facility. Such charge shall be collected from the operator of the facility by the state commissioner of taxation in a manner determined by him. Proceeds of such disposal charge shall be paid into the general fund of the state treasury. Any contract in effect on final enactment of this act may, if the parties to the contract mutually agree, be renegotiated to reflect increased costs due to the user fee imposed by this section. The exemption shall terminate upon expiration of the contract. If a party to such a contract, after a good faith attempt to renegotiate the contract, is unable to do so and the contract will continue in effect on and after March 1, 1974, the commissioner of taxation, after notice from the party in such form as the commissioner may prescribe and setting forth these facts, shall issue to the party a certificate that solid waste materials disposed of pursuant to the contract are exempt from the user fee imposed by this section. The operator of a solid waste disposal facility may require such a party to display his certificate of exemption at the operator's request.

Sec. 8. **[116F.08] PENALTIES.** Any person, corporation, partnership, firm, association, political subdivision or body corporate and politic which violates any provision of sections 1 to 7, or any regulation or rule promulgated thereunder, shall be guilty of a misdemeanor; and each day that a violation occurs or continues may be deemed a separate offense. In addition, the agency may revoke the grant of any grantee violating the provisions of sections 1 to 7, or may seek other equitable or legal relief.

Sec. 9. **APPROPRIATION.** There is appropriated to the Minnesota pollution control agency from the general fund in the state treasury the sum of \$1,500,000 or so much thereof as may be necessary, for the period beginning July 1, 1973, and ending June 30, 1975, for the purpose of carrying out the terms and provisions of sections 1 to 8. All expenses of the agency in administering the appropriation made by this section are payable therefrom. Not less

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than 90 percent of the money appropriated by this section shall be spent for grants-in-aid as specified in section 3 of this act.

Sec. 10. **EFFECTIVE DATE.** Section 3 of this act shall take effect on January 1, 1974, Section 7 of this act shall take effect on March 1, 1974, and the remainder of this act shall take effect the day following enactment.

Approved May 24, 1973.

CHAPTER 749—H.F.No.1779

[Coded in Part]

An act relating to education; teaching practices and certification; providing a penalty; appropriating money; amending Minnesota Statutes 1971, Sections 125.04; 125.05, Subdivisions 1 and 2; 125.06; 125.08; 125.09; 125.181; 125.182; 125.183; 125.184; and 125.185.

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

Section 1. Minnesota Statutes 1971, Section 125.04, is amended to read:

125.04 TEACHERS; PRACTICES; CERTIFICATION; QUALIFIED TEACHER DEFINED. A qualified teacher is one holding a valid certificate ~~from the state board~~, as hereinafter provided, to perform the particular service for which he is employed in a public school.

Sec. 2. Minnesota Statutes 1971, Section 125.05, Subdivision 1, is amended to read:

125.05 COMMISSION TO ISSUE CERTIFICATES. Subdivision 1. **QUALIFICATIONS.** The authority to certify teachers as defined herein is vested in the ~~state board~~ teacher standards and certification commission but based solely on criteria and qualifications approved by the state board of education. The authority to certify superintendents and principals is vested in the state board of education. Certificates shall be issued to such persons as the ~~state board~~ commission finds to be physically competent and morally fit to teach. Qualifications of teachers and other professional employees shall be determined by the ~~state board~~ commission under the rules which it promulgates. Certificates of qualifications of teachers shall be issued by the commissioner and the commission-

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