

MINNESOTA STATUTES 1977 SUPPLEMENT

RECYCLING OF SOLID WASTE 116F.22

Subd. 9. "Special nuclear material" means:

(a) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Nuclear Regulatory Commission, pursuant to the Atomic Energy Act of 1954 as amended, determines to be special nuclear material; or

(b) Any material artificially enriched by any of the materials described in clause (a). Special nuclear material does not include source nuclear material.

[1977 c 416 s 1]

116C.72 Radio active waste management facility.

Notwithstanding any provision of chapter 116H, to the contrary, no person shall construct or operate a radioactive waste management facility within Minnesota unless expressly authorized by the Minnesota legislature.

[1977 c 416 s 2]

116C.73 Transportation of radioactive wastes into state.

Notwithstanding any provision of chapter 116H, to the contrary, no person shall transport radioactive wastes into the state of Minnesota for the purpose of disposal by burial in soil or permanent storage within Minnesota unless expressly authorized by the Minnesota legislature, except that radioactive wastes may be transported into the state for temporary storage in accordance with applicable federal and state law for up to 12 months pending transportation out of the state.

[1977 c 416 s 3]

116C.74 Penalties.

Any person who violates section 116C.72 or who causes radioactive wastes to be shipped in violation of section 116C.73 shall be guilty of a gross misdemeanor and subject to a fine of not more than \$10,000 or a sentence of imprisonment of not more than one year, or both.

[1977 c 416 s 4]

CHAPTER 116F. RECYCLING OF SOLID WASTE

Sec.
116F.21 Milk packaging; policy. [New]

Sec.
116F.22 Prohibitions; penalty. [New]

116F.21 Milk packaging; policy.

The legislature finds that the use of nonreturnable, nonrefillable containers for the packaging of milk and other milk products presents a solid waste management problem for the state, promotes energy waste and depletes natural resources. The legislature therefore, in furtherance of the policies stated in section 116F.01, determines that the use of nonreturnable, nonrefillable containers for packaging milk and other milk products should be discouraged and that the use of returnable and reusable packaging for these products is preferred and should be encouraged.

[1977 c 268 s 1]

NOTE: Laws 1977, Chapter 455, Section 96 reads as follows:

"Sec. 96. Notwithstanding any law to the contrary, no prohibition on the retail sale or the offer for retail sale of milk in nonreturnable, nonrefillable plastic containers shall be effective prior to July 1, 1978. This section is effective the day following final enactment."

116F.22 Prohibitions; penalty.

Subdivision 1. No person shall sell at retail or offer for sale at retail in this state any milk or fluid milk product as defined in section 32.391, other than sour cream, cottage cheese and yogurt, in a nonreturnable, nonrefillable rigid or semi-rigid container at least 50 percent of which is plastic.

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Subd. 2. A violation of subdivision 1 is a misdemeanor and each day of violation is a separate offense.

[1977 c 268 s 2]

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CHAPTER 116H. MINNESOTA ENERGY AGENCY

Sec.		Sec.	
116H.001	Expiration. [New]	116H.124	Local governmental surveys and fuel cost estimates.
116H.02	Definitions.	116H.126	Public school surveys.
116H.03	Creation of agency.	116H.129	Energy conservation in residential buildings. [New]
116H.07	Duties.	116H.13	Certificate of need.
116H.087	Energy conservation publicity. [New]		
116H.12	Energy conservation.		
116H.121	Energy conservation standards in certain public buildings.		

116H.001 Expiration.

Sections 116H.03 to 116H.06 shall expire on June 30, 1983, unless renewed by the legislature. In the event that sections 116H.03 to 116H.06 are allowed to expire, the governor is hereby empowered to transfer the duties and responsibilities under this chapter to whatever agency or department or combination thereof which the governor deems appropriate.

[1977 c 381 s 7]

116H.02 Definitions.

[For text of subds 1 to 4, see M.S.1976]

Subd. 5. "Large energy facility" means:

(a) Any electric power generating plant or combination of plants at a single site with a combined capacity of 50,000 kilowatts or more, or any facility of 5,000 kilowatts or more which requires oil, natural gas, or natural gas liquids as a fuel and for which an installation permit has not been applied for by May 19, 1977 pursuant to Minn. Reg. APC 3(a);

(b) Any high voltage transmission line with a capacity of 200 kilovolts or more and with more than 50 miles of its length in Minnesota; or, any high voltage transmission line with a capacity of 300 kilovolts or more with more than 25 miles of its length in Minnesota;

(c) Any facility on a single site designed for or capable of storing more than one million gallons of crude petroleum or petroleum fuels or oil or their derivatives, unless the facility would be at an existing petroleum storage site and would constitute an increase of less than 20 percent in the storage capacity at that site;

(d) Any pipeline greater than six inches in diameter and having more than 50

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(b) Any high voltage transmission line with a capacity of 200 kilovolts or more and with more than 50 miles of its length in Minnesota; or, any high voltage transmission line with a capacity of 300 kilovolts or more with more than 25 miles of its length in Minnesota;

(c) Any facility on a single site designed for or capable of storing more than one million gallons of crude petroleum or petroleum fuels or oil or their derivatives, unless the facility would be at an existing petroleum storage site and would constitute an increase of less than 20 percent in the storage capacity at that site;

(d) Any pipeline greater than six inches in diameter and having more than 50

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miles of its length in Minnesota used for the transportation of coal, crude petroleum or petroleum fuels or oil or their derivatives;

(e) Any pipeline for transporting natural or synthetic gas at pressures in excess of 200 pounds per square inch with more than 50 miles of its length in Minnesota;

(f) Any facility designed for or capable of storing on a single site more than 100,000 gallons of liquified natural gas or synthetic gas;

(g) Any underground gas storage facility requiring a permit pursuant to section 84.57;

(h) Any facility designed or capable of serving as a depot for coal transported into this state for use within the state or transshipment from the state;

(i) Any petroleum refinery;

(j) Any nuclear fuel processing or nuclear waste storage or disposal facility;
and

(k) Any facility intended to convert any material into any other combustible fuel and having the capacity to process in excess of 25 tons of the material per hour.

[For text of subds 6 to 11, see M.S.1976]

[1977 c 381 s 8]

116H.03 Creation of agency.

[For text of subd 1, see M.S.1976]

Subd. 2. The agency shall be under the supervision of the director who shall organize the agency.

Subd. 3. The director shall be appointed by the governor under the provisions of section 15.06.

The director may appoint a deputy director and a personal secretary to serve at his pleasure. The director and his deputy and his personal secretary shall serve in the unclassified service and shall be members of the Minnesota state retirement system.

[1977 c 305 s 20,21]

116H.07 Duties.

The director shall:

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(a) Manage the agency as the central repository within the state government for the collection of data on energy;

(b) Prepare and adopt an emergency allocation plan specifying actions to be taken in the event of an impending serious shortage of energy, or a threat to public health, safety, or welfare;

(c) Undertake a continuing assessment of trends in the consumption of all forms of energy and analyze the social, economic, and environmental consequences of these trends;

(d) Carry out energy conservation measures as specified by the legislature and recommend to the governor and the legislature additional energy policies and conservation measures as required to meet the objectives of sections 116H.01 to 116H.15;

(e) Collect and analyze data relating to present and future demands and resources for all sources of energy, and specify energy needs for the state and various service areas as a basis for planning large energy facilities;

(f) Require certificate of need for construction of large energy facilities;

(g) Evaluate policies governing the establishment of rates and prices for energy as related to energy conservation, and other goals and policies of sections 116H.01 to 116H.15, and make recommendations for changes in energy pricing policies and rate schedules;

(h) Study the impact and relationship of the state energy policies to international, national, and regional energy policies;

(i) Design a state program for the conservation of energy; this program shall include but not be limited to, general commercial, industrial, and residential areas; such program shall also provide for the evaluation of energy systems as they relate to lighting, heating, refrigeration, air conditioning, building design and operation, and appliance manufacturing and operation;

(j) Inform and educate the public about the sources and uses of energy and the ways in which persons can conserve energy;

(k) Dispense funds made available for the purpose of research studies and projects of professional and civic orientation, which are related to either energy conservation or the development of alternative energy technologies which conserve nonrenewable energy resources while creating minimum environmental impact;

(l) Charge other governmental departments and agencies involved in energy related activities with specific information gathering goals and require that those goals be met.

[1977 c 381 s 9]

116H.087 Energy conservation publicity.

The director of the energy agency in consultation with the director of the housing finance agency shall develop pamphlets and radio and television messages on the energy conservation and housing programs available in Minnesota. The pamphlets shall include information on available tax credits for residential energy conservation measures, residential retrofitting loan and grant programs, and data on the economics of energy conservation measures. Before the pamphlets or media messages are released for general distribution they shall be reviewed by the appropriate standing committees of the legislature.

[1977 c 381 s 22]

116H.12 Energy conservation.

[For text of subd 1, see M.S.1976]

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Subd. 1a. Beginning July 1, 1978, the use of outdoor display lighting shall be limited as provided in subdivision 1b. For purposes of this section, "outdoor display lighting" shall include building facade lighting, other decorative lighting, and all billboards and advertising signs except those which identify a commercial establishment which is open for business at that hour.

Subd. 1b. The director shall develop proposed rules, pursuant to chapter 15, by October 1, 1977, setting standards covering permissible hours of operation, quantity and efficiency of outdoor display lighting and defining "outdoor display lighting".

[For text of subds 2 to 4, see M.S.1976]

Subd. 5. The director shall conduct studies and make recommendations concerning the purchase and use by the state and its political subdivisions of supplies, motor vehicles and equipment having a significant impact on energy use in order to determine the potential for energy conservation. The director may promulgate rules pursuant to chapter 15 to insure that energy use and conservation will be considered in state purchasing and, where appropriate, to require certain minimum energy efficiency standards in purchased products and equipment. No state purchasing of equipment or material use shall occur that is not in conformity with these regulations.

[For text of subds 6 to 9, see M.S.1976]

Subd. 10. Beginning January 1, 1978, no new room air conditioner shall be sold or installed or transported for resale into Minnesota unless it has an energy efficiency ratio of 7.0 or higher. For purposes of this subdivision, "energy efficiency ratio" means the ratio of the cooling capacity of the air conditioner in British thermal units per hour to the total electrical input in watts under designated operating conditions. This subdivision shall not apply to air conditioners in Minnesota on October 1, 1977. No person may transport non-complying units into this state in excess of what he can reasonably anticipate selling prior to January 1, 1978.

Subd. 11. Beginning January 1, 1979, no new residential

(a) forced air type central furnace,

(b) cooking appliance manufactured with an electrical supply cord, or

(c) clothes drying equipment

designed to burn natural gas equipped with a continuously burning pilot shall be sold or installed in Minnesota.

[1977 c 381 s 11-14]

116H.121 Energy conservation standards in certain public buildings.

Subdivision 1. Before February 1, 1977, the commissioner of administration in consultation with the director, shall amend the rules concerning heat loss, illumina-

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tion, and climate control standards promulgated pursuant to section 116H.12, subdivision 4, to include standards for all existing buildings heated by oil, coal, gas, or electric units which are owned by the state, the university of Minnesota, any city, any county, or any school district. Compliance with standards adopted pursuant to this section shall not be mandatory for buildings owned by any city, county or school district, except as otherwise provided by this section.

Subd. 2. Effective January 1, 1978, the illumination standards promulgated pursuant to subdivision 1, shall be mandatory for all public buildings where economically feasible. For the purposes of this subdivision, "public building" means any building which is open to the public during normal business hours and which exceeds 5,000 square feet in gross floor area. The director shall specify the formula for determining economic feasibility and shall take appropriate measures prior to January 1, 1978 to inform building owners and managers of the requirements of this subdivision and to assist them in complying with it.

Subd. 3. No enclosed structure or portion of an enclosed structure constructed after January 1, 1978 and used primarily as a commercial parking facility for three or more motor vehicles shall be heated. Incidental heating resulting from building exhaust air passing through a parking facility shall not be prohibited, provided that substantially all useful heat has previously been removed from the air.

[1977 c 381 s 15]

116H.124 Local governmental surveys and fuel cost estimates.

Before January 1, 1980, the governing body of each city and county shall complete a survey of all existing city owned or county owned buildings within their respective jurisdictions which buildings are heated by oil, coal, electric, or gas units. Buildings heated by oil or interruptable gas shall be surveyed first. The survey shall determine, based upon a formula specified by the director, the estimated remaining useful life of each building, together with the present degree and estimated cost of compliance with the energy conservation standards promulgated pursuant to section 116H.121. The governing body of a city or county may contract with any municipal building official appointed pursuant to section 16.861, or with the state building inspector to perform the energy conservation survey. Each governing body shall estimate, based upon a formula specified by the director, the annual potential savings in fuel procurement costs for existing heating and cooling systems, which savings would be realized for each building within its jurisdiction if that building were improved to comply with the energy conservation standards. Each governing body shall file the energy conservation survey and estimated fuel procurement data for at least half the buildings within its jurisdiction with the director before December 31, 1978, and all remaining buildings by December 31, 1979, for his review and comment.

[1977 c 381 s 16]

116H.126 Public school surveys.

Before January 1, 1980, each school district shall complete a survey of all existing public school buildings which it owns or operates and which are heated by oil, gas, coal, or electric units in order to determine the estimated remaining useful life of each building, together with the present degree and estimated cost of compliance with the energy conservation standards promulgated pursuant to section 116H.121. Buildings heated by oil or interruptable gas shall be surveyed first. The results of the energy conservation survey shall be recorded on a form furnished by the director. A school district may contract with any municipal building official appointed pursuant to section 16.861 or with the state building inspector to perform the energy conservation survey. Each school district shall estimate, based upon a formula specified by the director, the annual savings in fuel procurement costs for existing heating and cooling systems, which savings would be realized for each public school building within the district if it were improved to comply with the energy conservation standards.

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Each school district shall file the energy conservation survey and estimated fuel procurement data for at least half the public school buildings within the district with the director before December 31, 1978, and all remaining buildings by December 31, 1979, for his review and comment.

[1977 c 381 s 17]

116H.129 Energy conservation in residential buildings.

Subdivision 1. Before January 1, 1978, the commissioner of administration, in consultation with the director and the appropriate standing committees of the legislature, shall promulgate minimum energy efficiency standards for existing residential buildings. The standards shall be economically feasible in that the resultant savings in energy procurement costs, based on current average residential energy costs in Minnesota as certified by the director, will exceed the cost of the energy conserving requirements amortized over a period of five years.

By February 15, 1978, the director shall make recommendations to the legislature on methods to obtain compliance with the standards set forth in this subdivision.

Subd. 2. Before January 1, 1978, the commissioner of administration, in consultation with the director, shall by rule amend the standards concerning heat loss, illumination, and climate control promulgated pursuant to section 116H.12, subdivision 4, to require that electrical service to individual dwelling units in buildings containing two or more units be separately metered, with individual metering readily accessible to the individual occupants. The standards authorized by this subdivision shall only apply to buildings constructed after the effective date of the amended standards. Buildings intended for occupancy primarily by persons who are 62 years of age or older or handicapped, or which contain a majority of units not equipped with complete kitchen facilities, shall be exempt from the provisions of this subdivision.

[1977 c 381 s 18]

116H.13 Certificate of need.

[For text of subds 1 to 3, see M.S.1976]

Subd. 4. After promulgation of the criteria for assessment of need, any person proposing to construct a large energy facility shall apply for a certificate of need prior to construction of the facility. The application shall be on forms and in a manner established by the director. In reviewing each application the director shall hold at least one public hearing pursuant to chapter 15.

[For text of subds 5 to 8, see M.S.1976]

[1977 c 381 s 19]

CHAPTER 120. DEFINITIONS; GENERAL PROVISIONS

Sec.	Sec.
120.095 School census.	120.81 Minnesota educational computing consortium, receipts. [New]
120.10 Compulsory attendance.	120.82 Contracts. [New]
120.17 Handicapped children.	

120.095 School census.

[For text of subds 1 to 5, see M.S.1976]

Subd. 6. The school census shall include an enumeration of children of limited English speaking ability residing within the district by primary language, race and