

CHAPTER 194 — S.F.No. 925

An act relating to economic development; granting certain powers to municipalities; amending Minnesota Statutes 1984, sections 16B.61, subdivision 3; 273.73, subdivisions 9, 12, and by adding a subdivision; 273.74, subdivision 3; 273.75, subdivision 1, and by adding a subdivision; 273.76, subdivision 1; 458.16, by adding a subdivision; 462.352, subdivisions 5, 7, 9, 10, 15, and by adding a subdivision; 462.357, subdivision 1; 462.358, subdivision 2a; 472.08, subdivision 1; 472A.03; 474.02, by adding a subdivision; Laws 1980, chapter 595, section 3, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 465; and proposing coding for new law as Minnesota Statutes, chapter 472B.

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

Section 1. [472B.01] POPULAR NAME.

Sections 1 to 8 may be cited as the "mined underground space development act."

Sec. 2. [472B.02] POLICY.

The legislature finds that many subsurface areas of the state have a largely undeveloped potential to be mined for the development of underground space. The development and redevelopment of mined underground space makes use of the state's special geologic resources, fosters wise land use, especially in built-up urban areas, encourages commercial and industrial development, increases employment opportunities, enhances the tax base, contributes to the preservation of agricultural and other open lands, permits more energy efficient development and promotes and protects the public welfare. The legislature finds that these underground spaces provide an exceptionally stable environment and may therefore be particularly attractive to such clean industries as high technology and warehousing companies.

Therefore, the legislature finds that it is in the public interest to authorize municipalities to encourage, promote, and enable both public and private development of mined underground space and to authorize municipalities to protect both subsurface areas potentially suitable for development and existing mined underground space.

Sec. 3. [472B.03] DEFINITIONS.

Subdivision 1. TERMS DEFINED. For the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. AUTHORITY. "Authority" means an authority, as defined in section 273.73.

Subd. 3. MINED UNDERGROUND SPACE. "Mined underground space" means space resulting from, or which will result from, the excavation of

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subsurface areas by underground mining methods and having limited access from and to the surface and the supporting material surrounding the space.

Subd. 4. MINED UNDERGROUND SPACE DEVELOPMENT. "Mined underground space development" means the development or redevelopment of mined underground space for commercial, industrial, and other public and private use, but shall not include the development or redevelopment of mined underground space for long-term storage or disposal of hazardous waste or high level nuclear waste.

Subd. 5. MUNICIPALITY. "Municipality" means a home rule charter or statutory city.

Subd. 6. PROJECT. "Project" means a project encompassing mined underground space development.

Subd. 7. PROJECT COSTS. "Project costs" mean all costs and estimated costs incurred and to be incurred by a municipality or by any other person in connection with the acquisition, construction, reconstruction, improvement, betterment, and extension of a project, including all engineering, architectural, legal, fiscal, and administrative fees and expenses, interest on moneys borrowed to pay project costs during construction and for a period up to six months thereafter, title insurance premiums, rating agency fees, printing expenses, underwriters' commission or discount, bond insurance or other credit enhancement premiums or fees, bond trustee fees, and, as to bonds which are not general obligation bonds, a debt service reserve.

Subd. 8. PROPERTY RIGHTS. The words "interest in land," "land," "property," "property right," "property interest," and other terms describing real property shall include within their meaning, but not be limited to, airspace necessary for the development of projects in subsurface areas.

Sec. 4. [472B.04] POWERS OF MUNICIPALITY.

A municipality may, to accomplish the purposes of this chapter:

(1) exercise any or all powers enumerated in chapter 458, but only if the municipality has been granted authority to exercise the powers enumerated in chapter 458, chapter 462, chapter 472, chapter 472A, and chapter 474, in conjunction with the powers granted by this chapter;

(2) provide public facilities pursuant to chapter 429, chapter 430, and any charter provision or any special law;

(3) acquire, by lease, purchase, gift, condemnation, or otherwise, land or interests in land, and convey land or interests in land. A municipality is empowered to acquire by condemnation any property, property right or interest in property, corporate or incorporeal, within its boundaries which may be needed by it for a project, for access, including surface and subsurface access, for

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ventilation, or for any other purpose which it finds by resolution to be needed by it in connection with mined underground space development; and the fact that the property or interest in property so needed has been acquired by the owner under the power of eminent domain, or is already devoted to a public use, or is owned by the University of Minnesota, any city, county, school district, town, other municipality, or other governmental subdivision, railroad, or public or private utility, shall not prevent its acquisition by the municipality by the exercise of the right of eminent domain hereby conferred, provided the existing use thereof is not impaired; the necessity of the taking of any property or interest in property by the municipality shall be determined by resolution duly adopted by the governing body of the municipality, which shall describe the property or interest as nearly as it may be described and state the use and purpose to which it is to be devoted; except as otherwise provided in this chapter, the right of eminent domain shall be exercised in accordance with chapter 117, provided that any exercise of the right of eminent domain hereby conferred shall not be for the purpose of preventing the development, mining, and use of mineral resources;

(4) acting alone or with others, acquire, purchase, construct, lease, mortgage, maintain, operate, and convey projects;

(5) borrow money to carry out the purposes of this chapter;

(6) enter into contracts, sue and be sued and do or accomplish all other acts and things necessary or convenient to carry out the purposes and policies of this chapter; and

(7) exercise bonding authority as provided in section 5.

Sec. 5. [472B.05] BONDING AUTHORITY.

A municipality may by resolution of its governing body authorize the issuance of bonds to provide funds for payment of project costs incurred and to be incurred in the acquisition or betterment of projects, or for refunding any outstanding bonds issued by it for any such purpose, and may pledge to the payment of 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 to be derived from any project operated by or for the municipality, or any combination thereof. Taxes levied for the payment of the bonds and interest shall not reduce the amounts of other taxes which the municipality is authorized or required by law to levy. Bonds issued pursuant to this section may be sold at public or private sale upon such conditions as the governing body of the municipality shall determine, except that any bonds to which the full faith and credit and taxing powers of the municipality are pledged shall be sold in accordance with the provisions of section 475.60.

Sec. 6. [472B.06] DELEGATION BY MUNICIPALITY.

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Any or all of the powers provided in sections 4 and 5 may be exercised by the governing body of a municipality. Alternatively, the governing body of a municipality may, by ordinance or resolution, delegate to an authority any or all of the powers provided in sections 4 and 5. Any ordinance or resolution delegating powers to an authority shall specify the powers delegated and any conditions to that delegation. Any power not expressly delegated to the authority may not be exercised by the authority, but may be exercised by the governing body of the municipality. To the extent a power is delegated to an authority, any action of the governing body of the authority shall be considered to be the action of the governing body of the municipality. The governing body of a municipality may at any time by ordinance or resolution, whichever was used to delegate powers to an authority, repeal, rescind, or revoke any or all of the powers previously delegated to an authority, but the municipality remains liable for all actions previously taken and contracts previously made by the authority.

Sec. 7. [472B.07] PROJECTS DESCRIBED IN CHAPTER 474.

If and to the extent any project proposed to be undertaken by a municipality also constitutes a project as defined in section 474.02, the provisions of chapter 474 shall be applicable to the undertaking and financing of that project by the municipality, except that to the extent the governing body of a municipality has delegated powers to an authority as provided in section 6 those powers may be exercised under chapter 474 by the authority.

Sec. 8. [472B.08] REGULATION OF DRILLING TO PROTECT MINED UNDERGROUND SPACE DEVELOPMENT.

Subdivision 1. DEPARTMENT OF NATURAL RESOURCES REVIEW. The department of natural resources shall review all project plans which involve dewatering of underground formations for construction and operation of mined underground space to determine the effects of the proposal on the quality and quantity of underground waters in and adjacent to the areas where the mined underground space is to be developed.

Subd. 2. POWER TO REGULATE. Municipalities may regulate all drilling, except water well and exploratory drilling which is subject to the provisions of sections 156A.01 to 156A.10, above, in, through, and adjacent to subsurface areas designated for mined underground space development and existing mined underground space. The regulations may prohibit, restrict, control, and require permits for such drilling.

Subd. 3. WATER WELL REGULATION. With respect to water wells as defined in section 156A.02, municipalities may prohibit, restrict, control, and require permits for water well drilling, but the construction and abandonment of water wells is governed by sections 156A.01 to 156A.10.

Subd. 4. PERMITS FOR WATER REMOVAL. No mined underground space project involving or affecting the quality and quantity of under-

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ground waters may be developed until a permit for the appropriation of waters pursuant to Minnesota Statutes, section 105.41, has been granted by the commissioner of natural resources.

Sec. 9. Minnesota Statutes 1984, section 273.73, subdivision 9, is amended to read:

Subd. 9. **TAX INCREMENT FINANCING DISTRICT.** "Tax increment financing district" or "district" means a contiguous or noncontiguous geographic area within a project delineated in the tax increment financing plan, as provided by section 273.74, subdivision 1, for the purpose of financing redevelopment, mined underground space development, housing or economic development in municipalities through the use of tax increment generated from the captured assessed value in the tax increment financing district.

Sec. 10. Minnesota Statutes 1984, section 273.73, subdivision 12, is amended to read:

Subd. 12. **ECONOMIC DEVELOPMENT DISTRICT.** "Economic development district" means a type of tax increment financing district which consists of any project, or portions of a project, not meeting the requirements found in the definition of redevelopment district, mined underground space development district or housing district, but which the authority finds to be in the public interest because:

(a) It will discourage commerce, industry or manufacturing from moving their operations to another state; or

(b) It will result in increased employment in the municipality; or

(c) It will result in preservation and enhancement of the tax base of the municipality.

Sec. 11. Minnesota Statutes 1984, section 273.73, is amended by adding a subdivision to read:

Subd. 14. **MINED UNDERGROUND SPACE DEVELOPMENT DISTRICT.** "Mined underground space development district" means a type of tax increment financing district consisting of a project, or portions of a project, for the development or redevelopment of mined underground space pursuant to sections 3 to 7.

Sec. 12. Minnesota Statutes 1984, section 273.74, subdivision 3, is amended to read:

Subd. 3. **MUNICIPALITY APPROVAL.** No county auditor shall certify the original assessed value of a tax increment financing district until the tax increment financing plan proposed for that district has been approved by the municipality in which the district is located. If an authority which proposes to establish a tax increment financing district and the municipality are not the same,

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the authority shall apply to the municipality in which the district is proposed to be located and shall obtain the approval of its tax increment financing plan by the municipality before the authority may use tax increment financing. The municipality shall approve the tax increment financing plan only after a public hearing thereon after published notice in a newspaper of general circulation in the municipality at least once not less than ten days nor more than 30 days prior to the date of the hearing. This hearing may be held before or after the approval or creation of the project or it may be held in conjunction with a hearing to approve the project. Before or at the time of approval of the tax increment financing plan, the municipality shall make the following findings, and shall set forth in writing the reasons and supporting facts for each determination:

(a) That the proposed tax increment financing district is a redevelopment district, a mined underground space development district, a housing district or an economic development district.

(b) That the proposed development or redevelopment, in the opinion of the municipality, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and therefore the use of tax increment financing is deemed necessary.

(c) That the tax increment financing plan conforms to the general plan for the development or redevelopment of the municipality as a whole.

(d) That the tax increment financing plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the development or redevelopment of the project by private enterprise.

(e) That the municipality elects the method of tax increment computation set forth in section 273.76, subdivision 3, clause (b), if applicable.

When the municipality and the authority are not the same, the municipality shall approve or disapprove the tax increment financing plan within 60 days of submission by the authority, or the plan shall be deemed approved. When the municipality and the authority are not the same, the municipality may not amend or modify a tax increment financing plan except as proposed by the authority pursuant to subdivision 4. Once approved, the determination of the authority to undertake the project through the use of tax increment financing and the resolution of the governing body shall be conclusive of the findings therein and of the public need for such financing.

Sec. 13. Minnesota Statutes 1984, section 273.75, subdivision 1, is amended to read:

Subdivision 1. **DURATION OF TAX INCREMENT FINANCING DISTRICTS.** Subject to the limitations contained elsewhere in this subdivision any tax increment financing district as to which bonds are outstanding, payment for which the tax increment and other revenues have been pledged, shall remain

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in existence at least as long as any such bonds continue to be outstanding; provided, however, the tax increment pledged to the payment of bonds and interest thereon may be discharged and the tax increment financing district may be terminated if sufficient funds have been irrevocably deposited in the debt service fund or other escrow account held in trust for all outstanding bonds to provide for the payment of the bonds at maturity or date of redemption and interest thereon to such maturity or redemption date, provided that for bonds issued pursuant to section 273.77, clauses (a) and (b) the full faith and credit and any taxing powers of the municipality or authority shall continue to be pledged to the payment of the bonds until the principal of and interest on the bonds has been paid in full; provided, further, that no tax increment shall be paid to an authority for a tax increment financing district after three years from the date of certification of the original assessed value of the taxable real property in the district by the county auditor or three years from August 1, 1979, for tax increment financing districts authorized prior to August 1, 1979, unless within the three year period (a) bonds have been issued pursuant to section 273.77, or in aid of a project pursuant to any other law, except revenue bonds issued pursuant to chapter 474, prior to August 1, 1979, or (b) the authority has acquired property within the district, or (c) the authority has constructed or caused to be constructed public improvements within the district; and provided, further, that no tax increment shall in any event be paid to the authority from a redevelopment district after 25 years from date of receipt by the authority of the first tax increment, after 25 years from the date of the receipt for a housing district, after 25 years from the date of the receipt for a mined underground space development district, and after eight years from the date of the receipt, or ten years from approval of the tax increment financing plan, whichever is less, for an economic development district.

For tax increment financing districts created prior to August 1, 1979, no tax increment shall be paid to the authority after 30 years from August 1, 1979.

Modification of a tax increment financing plan pursuant to section 273.74, subdivision 4, shall not extend the durational limitations of this subdivision.

Sec. 14. Minnesota Statutes 1984, section 273.75, is amended by adding a subdivision to read:

Subd. 8. MINED UNDERGROUND SPACE DEVELOPMENT DISTRICT. Revenue derived from tax increment from a mined underground space development district may be used only to pay for the costs of excavating and supporting the space, of providing public access to the mined underground space including roadways, and of installing utilities including fire sprinkler systems in the space.

Sec. 15. Minnesota Statutes 1984, section 273.76, subdivision 1, is amended to read:

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Subdivision 1. **ORIGINAL ASSESSED VALUE.** Upon or after adoption of a tax increment financing plan, the auditor of any county in which the district is situated shall, upon request of the authority, certify the original assessed value of the tax increment financing district as described in the tax increment financing plan and shall certify in each year thereafter the amount by which the original assessed value has increased or decreased as a result of a change in tax exempt status of property within the district, reduction or enlargement of the district or changes pursuant to subdivision 4. In the case of a mined underground space development district the county auditor shall certify the original assessed value as zero, plus the assessed value, if any, previously assigned to any subsurface area included in the mined underground space development district pursuant to section 272.04. The amount to be added to the original assessed value of the district as a result of previously tax exempt real property within the district becoming taxable shall be equal to the assessed value of the real property as most recently assessed pursuant to section 273.18 or, if that assessment was made more than one year prior to the date of title transfer rendering the property taxable, the value which shall be assessed by the assessor at the time of such transfer. The amount to be added to the original assessed value of the district as a result of enlargements thereof shall be equal to the assessed value of the added real property as most recently certified by the commissioner of revenue as of the date of modification of the tax increment financing plan pursuant to section 273.74, subdivision 4. Each year the auditor shall also add to the original assessed value of each economic development district an amount equal to the original assessed value for the preceding year multiplied by the average percentage increase in the assessed valuation of all property included in the economic development district during the five years prior to certification of the district. The amount to be subtracted from the original assessed value of the district as a result of previously taxable real property within the district becoming tax exempt, or a reduction in the geographic area of the district, shall be the amount of original assessed value initially attributed to the property becoming tax exempt or being removed from the district. If the assessed value of property located within the tax increment financing district is reduced by reason of a court-ordered abatement, stipulation agreement, voluntary abatement made by the assessor or auditor or by order of the commissioner of revenue, the reduction shall be applied to the original assessed value of the district when the property upon which the abatement is made has not been improved since the date of certification of the district and to the captured assessed value of the district in each year thereafter when the abatement relates to improvements made after the date of certification. The county auditor shall have the power to specify reasonable form and content of the request for certification of the authority and any modification thereof pursuant to section 273.74, subdivision 4.

Sec. 16. Minnesota Statutes 1984, section 458.16, is amended by adding a subdivision to read:

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Subd. 6. Upon delegation by a municipality as provided in section 8, a port authority may exercise any of the delegated powers in connection with mined underground space development pursuant to sections 3 to 7.

Sec. 17. Minnesota Statutes 1984, section 462.352, subdivision 5, is amended to read:

Subd. 5. "Comprehensive municipal plan" means a compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the municipality and its environs, including air space and subsurface areas necessary for mined underground space development pursuant to sections 3 to 7, and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan, and recommendations for plan execution. A comprehensive plan represents the planning agency's recommendations for the future development of the community.

Sec. 18. Minnesota Statutes 1984, section 462.352, subdivision 7, is amended to read:

Subd. 7. "Transportation plan" means a compilation of policy statements, goals, standards, maps and action programs for guiding the future development of the various modes of transportation of the municipality and its environs, including air space and subsurface areas necessary for mined underground space development pursuant to sections 3 to 7, such as streets and highways, mass transit, railroads, air transportation, trucking and water transportation, and includes a major thoroughfare plan.

Sec. 19. Minnesota Statutes 1984, section 462.352, subdivision 9, is amended to read:

Subd. 9. "Capital improvement program" means an itemized program setting forth the schedule and details of specific contemplated public improvements by fiscal year, including public improvements in or related to air space and subsurface areas necessary for mined underground space development pursuant to sections 3 to 7, together with their estimated cost, the justification for each improvement, the impact that such improvements will have on the current operating expense of the municipality, and such other information on capital improvements as may be pertinent.

Sec. 20. Minnesota Statutes 1984, section 462.352, subdivision 10, is amended to read:

Subd. 10. "Official map" means a map adopted in accordance with section 462.359 which may show existing and proposed future streets, roads, and highways of the municipality and county, the area needed for widening of existing streets, roads, and highways of the municipality and county, existing and proposed air space and subsurface areas necessary for mined underground space

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development pursuant to sections 3 to 7, and existing and future county state aid highways and state trunk highway rights-of-way. An official map may also show the location of existing and future public land and facilities within the municipality. In counties in the metropolitan area as defined in section 473.121, official maps may for a period of up to five years designate the boundaries of areas reserved for purposes of soil conservation, water supply conservation, flood control and surface water drainage and removal including appropriate regulations protecting such areas against encroachment by buildings, other physical structures or facilities.

Sec. 21. Minnesota Statutes 1984, section 462.352, subdivision 15, is amended to read:

Subd. 15. "Official controls" or "controls" means ordinances and regulations which control the physical development of a city, county or town or any part thereof including air space and subsurface areas necessary for mined underground space development pursuant to sections 3 to 7, or any detail thereof and implement the general objectives of the comprehensive plan. Official controls may include ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes and official maps.

Sec. 22. Minnesota Statutes 1984, section 462.352, is amended by adding a subdivision to read:

Subd. 17. **PROPERTY RIGHTS.** The words "area," "interest in real property," "ground," "land," "lot," "parcel," "property," "real estate," "real property," "site," "territory," and "tract," and other terms describing real property shall include within their meaning, but not be limited to, air space and subsurface areas necessary for mined underground space development pursuant to sections 3 to 7.

Sec. 23. Minnesota Statutes 1984, section 462.357, subdivision 1, is amended to read:

Subdivision 1. **AUTHORITY FOR ZONING.** For the purpose of promoting the public health, safety, morals and general welfare, a municipality may by ordinance regulate on the earth's surface, in the air space above the surface, and in subsurface areas, the location, height, width, bulk, type of foundation, number of stories, size of buildings and other structures, the percentage of lot which may be occupied, the size of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, conservation of shorelands, as defined in section 105.485, access to direct sunlight for solar energy systems as defined in section 116J.06, flood control or other purposes, and may establish standards and procedures regulating such uses. No regulation may prohibit earth sheltered

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construction as defined in section 116J.06, subdivision 2, or manufactured homes built in conformance with sections 327.31 to 327.35 that comply with all other zoning ordinances promulgated pursuant to this section. The regulations may divide the surface, above surface, and subsurface areas of the municipality into districts or zones of suitable numbers, shape and area. The regulations shall be uniform for each class or kind of buildings, structures or land and for each class or kind of use throughout such district, but the regulations in one district may differ from those in other districts. The ordinance embodying these regulations shall be known as the zoning ordinance and shall consist of text and maps. A city may by ordinance extend the application of its zoning regulations to unincorporated territory located within two miles of its limits in any direction, but not in a county or town which has adopted zoning regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the zoning of land on its side of a line equidistant between the two noncontiguous municipalities unless a town or county in the affected area has adopted zoning regulations. Any city may thereafter enforce such regulations in the area to the same extent as if such property were situated within its corporate limits, until the county or town board adopts a comprehensive zoning regulation which includes the area.

Sec. 24. Minnesota Statutes 1984, section 462.358, subdivision 2a, is amended to read:

Subd. 2a. **TERMS OF REGULATIONS.** The standards and requirements in the regulations may address without limitation: the size, location, grading, and improvement of lots, structures, public areas, streets, roads, trails, walkways, curbs and gutters, water supply, storm drainage, lighting, sewers, electricity, gas, and other utilities; the planning and design of sites; access to solar energy; and the protection and conservation of flood plains, shore lands, soils, water, vegetation, energy, air quality, and geologic and ecologic features. The regulations shall require that subdivisions be consistent with the municipality's official map if one exists and its zoning ordinance, and may require consistency with other official controls and the comprehensive plan. The regulations may prohibit certain classes or kinds of subdivisions in areas where prohibition is consistent with the comprehensive plan and the purposes of this section, particularly the preservation of agricultural lands. The regulations may prohibit, restrict or control development for the purpose of protecting and assuring access to direct sunlight for solar energy systems. The regulations may prohibit, restrict, or control surface, above surface, or subsurface development for the purpose of protecting subsurface areas for existing or potential mined underground space development pursuant to sections 3 to 7, and access thereto. The regulations may prohibit the issuance of building permits for any tracts, lots, or parcels for which required subdivision approval has not been obtained. The regulations may permit the municipality to condition its approval on the construction and installation of sewers, streets, electric, gas, drainage, and water facilities, and similar utilities and improvements or, in lieu thereof, on the receipt

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by the municipality of a cash deposit, certified check, irrevocable letter of credit, or bond in an amount and with surety and conditions sufficient to assure the municipality that the utilities and improvements will be constructed or installed according to the specifications of the municipality. The regulations may permit the municipality to condition its approval on compliance with other requirements reasonably related to the provisions of the regulations and to execute development contracts embodying the terms and conditions of approval. The municipality may enforce such agreements and conditions by appropriate legal and equitable remedies.

Sec. 25. [465.77] REGULATION OF DRILLING TO PROTECT MINED UNDERGROUND SPACE DEVELOPMENT.

A home rule charter city or statutory city may regulate drilling for the purposes and in the manner provided in section 8.

Sec. 26. Minnesota Statutes 1984, section 472.08, subdivision 1, is amended to read:

Subdivision 1. A local redevelopment agency shall be a public body corporate and politic and shall have all the powers necessary or convenient to carry out the purposes of sections 472.01 to 472.16; provided that such agencies shall not have the power to levy and collect taxes or special assessments, nor shall any agency exercise the power of eminent domain unless the governing body of the municipality or municipalities, in the case of a joint exercise of power, shall by resolution have expressly conferred such power on the agency. A local redevelopment agency shall also have the following powers in addition to others granted in sections 472.01 to 472.16:

(1) To sue and be sued, to have a seal, which shall be judicially noticed, and to alter the same at pleasure; to have perpetual succession; and to make, and from time to time amend and repeal, rules and regulations not inconsistent with these sections;

(2) To employ an executive director, technical experts, and such officers, agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties, and compensation; for such legal service as it may require, to call upon the chief law officer of the municipality or to employ its own counsel and legal staff; so far as practical, to use the services of local public bodies, in its area of operation, such local bodies, if requested, to make such services available;

(3) To delegate to one or more of its agents or employees such powers or duties as it may deem proper;

(4) To approve, upon proper application by a public instrumentality or facility or private applicant, a redevelopment project after first determining that

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the declared public purpose of sections 472.01 to 472.16 will be accomplished by the establishment of such project in the redevelopment area;

(5) To sell, transfer, convey, or otherwise dispose of real or personal property or any interest therein, and to execute such leases, deeds, conveyances, negotiable instruments, purchase agreements, and other contracts or instruments, and take such action as may be necessary or convenient to carry out the purposes of these sections;

(6) Within its area of operation to acquire real or personal property or any interest therein by gift, grant, purchase, exchange, lease, transfer, bequest, devise, or otherwise, and, when authorized as provided for herein, by the exercise of the power of eminent domain, in the manner provided by chapter 117, and any amendments thereof, to acquire real property which it may deem necessary for its purposes under these sections, after the adoption by it of a resolution declaring that the acquisition of the real property is necessary to eliminate one or more of the conditions found to exist in the resolution adopted pursuant to section 472.04, subdivision 1;

(7) To determine and designate redevelopment areas;

(8) To cooperate with industrial development corporations, state and federal agencies, and private persons or corporations in their efforts to promote the expansion of recreational, commercial, industrial, and manufacturing activity in a redevelopment area;

(9) To determine upon proper application by any public body or private applicant whether the declared public purpose of these sections has been accomplished or will be accomplished by the establishment of a redevelopment project in a redevelopment area;

(10) To conduct examinations and investigations to obtain information necessary to the determination and designation of a redevelopment area and the establishment of a redevelopment project therein;

(11) To cooperate with or act as agent for the federal government, the state, or any state public body or any agency or instrumentality thereof in carrying out the provisions of these sections or of any other related federal, state, or local legislation;

(12) To borrow money or other property and accept contributions, grants, gifts, services or other assistance from the federal or state government to accomplish the purposes of sections 472.01 to 472.16;

(13) To conduct mined underground space development pursuant to sections 3 to 7.

Sec. 27. Minnesota Statutes 1984, section 472A.03, is amended to read:

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472A.03 AUTHORITY GRANTED.

A municipality may after consultation with its planning agency or planning department and after public hearings, notice of which shall have been published in the official newspaper of the municipality, or if the municipality has no official newspaper, in a newspaper of general distribution within the municipality, designate development districts within the boundaries of the municipality. The municipality shall also provide for relocation pursuant to section 472A.12 and consult with the advisory board created by section 472A.11 before making this designation. Within these districts the municipality may adopt a development program consistent with which the municipality may acquire, construct, reconstruct, improve, alter, extend, operate, maintain, or promote developments aimed at improving the physical facilities, quality of life and quality of transportation. The municipality may acquire land or easements through negotiation or through powers of eminent domain. The municipal council may adopt ordinances regulating traffic in pedestrian skyway systems, public parking structures, and other facilities constructed within the development district. The municipal council may pass ordinances regulating access to pedestrian skyway systems and the conditions under which such access is allowed. The council may designate districts for mined underground space development under sections 3 to 7.

Traffic regulations may include but shall not be limited to direction and speed of traffic, policing of pedestrianways, hours that pedestrianways are open to the public, kinds of service activities that will be allowed in arcades, parks and plazas, fares to be charged on the people movers, and rates to be charged in the parking structures. The municipality shall have the power to require private developers to construct buildings so as to accommodate and support pedestrian systems which are part of the program for the development district. When the municipality requires the developer to construct columns, beams or girders with greater strength than required for normal building purposes, the municipality shall reimburse the developer for the added expense from development district funds. The municipality shall have the authority to install special lighting systems, special street signs and street furniture, special landscaping of streets and public property; to install special snow removal systems; to acquire property for the district; to lease or sell air rights over public buildings and to spend public funds for constructing the foundations and columns in the public buildings strong enough to support the buildings to be constructed on air rights; to lease all or portions of basement, ground and second floors of the public buildings constructed in the district; to negotiate the sale or lease of property for private development if the development is consistent with the development program for the district.

Sec. 28. Minnesota Statutes 1984, section 474.02, is amended by adding a subdivision to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 1g. The term "project" shall also include any real properties used or used in furtherance of the purposes and policies of sections 3 to 7.

Sec. 29. Laws 1980, chapter 595, section 3, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding any contrary law or provision of the Minneapolis city charter, the city council may exercise the powers presently, or hereafter granted to a governmental agency or subdivision by Minnesota Statutes, Chapters 458 and 462 except the power to operate and maintain public housing as provided in Minnesota Statutes, Chapter 462. The city council shall not exercise the powers contained in Minnesota Statutes, Chapter 462 prior to the initial adoption of an ordinance provided for in section 2, subdivision 1, or this subdivision. Notwithstanding any contrary law or provision of the Minneapolis city charter, the agency or the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission may after approval by the city council by ordinance exercise any of the powers presently or hereafter granted to a governmental subdivision by Minnesota Statutes, Chapters 458, 462, 472, 472A, and 474. The city council or the agency or the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission may exercise the powers granted by this subdivision and any other development or redevelopment powers authorized by other laws, independently or in conjunction with each other as though all of the powers had been granted to a single entity, provided, however, that any project undertaken pursuant to authority granted by Minnesota Statutes, Chapter 458, 462, 472, 472A, sections 3 to 7, or 474 is subject to all of the limitations contained within that chapter.

Sec. 30. Minnesota Statutes 1984, section 16B.61, subdivision 3, is amended to read:

Subd. 3. **SPECIAL REQUIREMENTS.** (a) **SPACE FOR COMMUTER VANS.** The code must require that any parking ramp or other parking facility constructed in accordance with the code include an appropriate number of spaces suitable for the parking of motor vehicles having a capacity of seven to 16 persons and which are principally used to provide prearranged commuter transportation of employees to or from their place of employment or to or from a transit stop authorized by a local transit authority.

(b) **SMOKE DETECTION DEVICES.** The code must require that all dwellings, lodging houses, apartment houses, and hotels as defined in section 299F.362 comply with the provisions of section 299F.362.

(c) **DOORS IN NURSING HOMES AND HOSPITALS.** The state building code may not require that each door entering a sleeping or patient's room from a corridor in a nursing home or hospital with an approved complete standard automatic fire extinguishing system be constructed or maintained as self-closing or automatically closing.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(d) A licensed day care center serving fewer than 30 preschool age persons and which is located in a below ground space in a church building is exempt from the state building code requirement for a ground level exit when the center has more than two stairways to the ground level and its exit.

(e) MINED UNDERGROUND SPACE. Nothing in the state building codes shall prevent cities from adopting regulations governing the excavation, construction, reconstruction, alteration and repair of mined underground space pursuant to sections 3 to 7, or of associated facilities in the space once the space has been created, provided the intent of the building code to establish reasonable safeguards for health, safety, welfare, comfort, and security is maintained.

Approved May 23, 1985

CHAPTER 195 — S.F.No. 1036

An act relating to domestic abuse; providing for service by publication under certain circumstances under the Domestic Abuse Act; clarifying relief and providing for additional relief; amending Minnesota Statutes 1984, section 518B.01, subdivisions 4, 5, 6, and 7.

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

Section 1. Minnesota Statutes 1984, section 518B.01, subdivision 4, is amended to read:

Subd. 4. **ORDER FOR PROTECTION.** There shall exist an action known as a petition for an order for protection in cases of domestic abuse.

(a) A petition for relief under this section may be made by any family or household member on behalf of himself or herself or on behalf of minor family or household members.

(b) A petition for relief shall allege the existence of domestic abuse, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(c) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition or other action between the parties.

(d) The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section by ~~any person not~~ represented by counsel.

(e) The court shall advise a petitioner under clause (d) of the right to file a motion and affidavit and to sue in forma pauperis pursuant to section 563.01 and shall assist with the writing and filing of the motion and affidavit.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.