

The commissioner may recalculate incentive payments more than once under this subdivision.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective the day following final enactment.

Presented to the governor May 5, 2005

Signed by the governor May 5, 2005, 2:35 p.m.

CHAPTER 41—H.F.No. 915

An act relating to transportation; modifying provisions relating to aeronautics; making clarifying changes; amending Minnesota Statutes 2004, sections 360.305, subdivision 4; 360.55, subdivisions 2, 3, 4, 4a; 360.58; 360.59, subdivisions 2, 5, 7, 8; 360.63, subdivision 2; 360.67, subdivision 4; 394.22, subdivision 12; 394.361, subdivisions 1, 3; 462.352, subdivision 10; 462.355, subdivision 4; 462.359, subdivisions 1, 3; repealing Minnesota Statutes 2004, section 360.59, subdivisions 4, 9.

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

Section 1. Minnesota Statutes 2004, section 360.305, subdivision 4, is amended to read:

Subd. 4. COSTS ALLOCATED; LOCAL CONTRIBUTION; HANGAR CONSTRUCTION ACCOUNT. (a) Except as otherwise provided in this subdivision, the commissioner of transportation shall require as a condition of assistance by the state that the political subdivision, municipality, or public corporation make a substantial contribution to the cost of the construction, improvement, maintenance, or operation of the airport, in connection with which the assistance of the state is sought. These costs are referred to as project costs.

(b) For any airport, whether key, intermediate, or landing strip, where only state and local funds are to be used, the contribution shall be not less than one-fifth of the sum of:

(1) the project costs;

(2) acquisition costs of the land and clear zones, which are referred to as acquisition costs.

(c) For any airport where federal, state, and local funds are to be used, the contribution shall not be less than five percent of the sum of the project costs and acquisition costs.

(d) The commissioner may pay the total cost of radio and navigational aids.

(e) Notwithstanding paragraph (b) or (c), the commissioner may pay all of the project costs of a new landing strip, but not an intermediate airport or key airport, or

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may pay an amount equal to the federal funds granted and used for a new landing strip plus all of the remaining project costs; but the total amount paid by the commissioner for the project costs of a new landing strip, unless specifically authorized by an act appropriating funds for the new landing strip, shall not exceed \$200,000.

(f) Notwithstanding paragraph (b) or (c), the commissioner may pay all the project costs for research and development projects, including, but not limited to noise abatement; provided that in no event shall the sums expended under this paragraph exceed five percent of the amount appropriated for construction grants.

(g) To receive aid under this section for project costs or for acquisition costs, the municipality must enter into an agreement with the commissioner giving assurance that the airport will be operated and maintained in a safe, serviceable manner for aeronautical purposes only for the use and benefit of the public:

(1) for 20 years after the date that any state funds for project costs are received by the municipality; and

(2) for 99 years after the date that any state funds for acquisition costs are received by the municipality. If any land acquired with state funds ceases to be used for aviation purposes, the municipality shall repay the state airports fund the same percentage of the appraised value of the property as that percentage of the costs of acquisition and participation provided by the state to acquire the land.

The agreement may contain other conditions as the commissioner deems reasonable.

(h) The commissioner shall establish a hangar construction revolving account, which shall be used for the purpose of financing the construction of hangar buildings to be constructed by municipalities owning airports. All municipalities owning airports are authorized to enter into contracts for the construction of hangars, and contracts with the commissioner for the financing of hangar construction for an amount and period of time as may be determined by the commissioner and municipality. All receipts from the financing contracts shall be deposited in the hangar construction revolving account and are reappropriated for the purpose of financing construction of hangar buildings. The commissioner may pay from the hangar construction revolving account 80 percent of the cost of financing construction of hangar buildings. For purposes of this ~~clause~~ paragraph, the construction of hangars shall include their design. The commissioner shall transfer up to \$4,400,000 from the state airports fund to the hangar construction revolving account.

(i) The commissioner may pay a portion of the purchase price of any airport maintenance and safety equipment and of the actual airport snow removal costs incurred by any municipality. The portion to be paid by the state shall not exceed two-thirds of the cost of the purchase price or snow removal. To receive aid a municipality must enter into an agreement of the type referred to in paragraph (g).

(j) This subdivision ~~shall apply~~ applies only to project costs or acquisition costs of municipally owned airports ~~which are~~ incurred after June 1, 1971.

Sec. 2. Minnesota Statutes 2004, section 360.55, subdivision 2, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 2. **TRANSACTING OFFICIAL BUSINESS.** Aircraft owned and used solely in the transaction of official business by representatives of foreign powers, by the federal government, or by the state or any municipality thereof shall be are exempt from the provisions of sections 360.54 to 360.67 requiring the payment of a tax, but all such aircraft, except those owned by representatives of foreign powers or by the federal government, shall ~~must~~ be registered as required by sections 360.54 to 360.67 and shall ~~display tax-exempt number plates, labels, or stamps furnished by the commissioner at cost.~~ The exemption herein provided shall does not apply to any aircraft except those owned by representatives of foreign powers or by the federal government and except ~~such~~ those aircraft as may be used in general police work, unless the name of the state department or the municipality owning ~~such~~ the aircraft shall be is plainly printed on both sides thereof in letters of a size and character to be prescribed by the commissioner.

Sec. 3. Minnesota Statutes 2004, section 360.55, subdivision 3, is amended to read:

Subd. 3. **CIVIL AIR PATROL.** Any aircraft owned and used solely in the transaction of official business by any unit of the civil air patrol created by Public Law 476, 79th Congress, Public Law 557, 80th Congress, or acts amendatory thereto, whether or not the title to ~~such~~ the aircraft is retained by the federal government or vested in such unit unconditionally, shall be is exempt from the provisions of sections 360.54 to 360.57 requiring the payment of tax, but all such aircraft shall ~~must~~ be registered as required by sections 360.54 to 360.57 and shall ~~display tax-exempt number plates, labels or stamps furnished by the commissioner at cost.~~

Sec. 4. Minnesota Statutes 2004, section 360.55, subdivision 4, is amended to read:

Subd. 4. **COLLECTOR'S AIRCRAFT; SPECIAL PLATES.** (a) For purposes of this subdivision:

(1) "antique aircraft" means an aircraft constructed by the original manufacturer, or its licensee, on or before December 31, 1945, with the exception of certain pre-World War II aircraft models that had only a small post-war production, such as Beechcraft Staggerwing, Fairchild 24, and Monocoupe; and

(2) "classic aircraft" means an aircraft constructed by the original manufacturer, or its licensee, on or after January 1, 1946, and has a first year of life that precedes the date of registration by at least 50 years.

(b) If an antique or classic aircraft is owned and operated solely as a collector's item, its owner may list it for taxation and registration as follows: A sworn affidavit shall must be executed stating (1) the name and address of the owner, (2) the name and address of the person from whom purchased, (3) the aircraft's make of the aircraft, year and model number of the aircraft, the federal aircraft registration number, the and manufacturer's identification number, and (4) that the aircraft is owned and operated solely as a collector's item and not for general transportation or commercial operations purposes. The affidavit shall must be filed with the commissioner along with a fee of \$25.

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(c) Upon satisfaction that the affidavit is true and correct, the commissioner shall issue to the applicant ~~special number plates, decalomania labels, or stamps bearing the inscription "Classic" or "Antique," "Minnesota" and the registration number but no date a registration certificate.~~ The special number plates, decalomania labels, or stamps are registration certificate is valid without renewal as long as the owner operates the aircraft solely as a collector's item.

(d) Should an antique or classic aircraft be operated other than as a collector's item, ~~the special number plates, decalomania labels, or stamps shall be registration certificate becomes void and removed,~~ and the owner shall list the aircraft for taxation and registration in accordance with the other provisions of sections 360.511 to 360.67.

(e) Upon the sale of an antique or classic aircraft, the new owner must list the aircraft for taxation and registration in accordance with the provisions of this subdivision, including the payment of a \$25 fee to obtain new special plates or payment of a \$5 fee to retain and transfer the existing special plates registration to the name of the new owner, or the other provisions of sections 360.511 to 360.67, whichever is applicable.

(f) In the event of ~~defacement, loss, or destruction of the special number plates, decalomania labels, or stamps registration certificate,~~ and upon receiving and filing a sworn affidavit of the aircraft owner setting forth the circumstances, together with any ~~defaced plates, labels, or stamps and~~ a fee of \$5, the commissioner shall issue a replacement plates, labels, or stamps certificate. ~~The commissioner shall note on the records the issue of replacement number and shall proceed to cancel the original plates, labels, or stamps.~~

Sec. 5. Minnesota Statutes 2004, section 360.55, subdivision 4a, is amended to read:

Subd. 4a. **RECREATIONAL AIRCRAFT; CLASSIC LICENSE.** (a) An aircraft that has a base price for tax purposes under section 360.531 of \$10,000 or less, and that is owned and operated solely for recreational purposes, may be listed for taxation and registration by executing a sworn affidavit stating (1) the name and address of the owner, (2) the name and address of the person from whom purchased, (3) the aircraft's make, year, model number, federal aircraft registration number, and manufacturer's identification number, and (4) that the aircraft is owned and operated solely as a recreational aircraft and not for commercial operational purposes. The affidavit must be filed with the commissioner along with an annual \$25 fee.

(b) On being satisfied that the affidavit is true and correct, the commissioner shall issue to the applicant a ~~decal~~ registration certificate.

(c) Should the aircraft be operated other than as a recreational aircraft, the owner shall list the aircraft for taxation and registration and pay the appropriate registration fee under sections 360.511 to 360.67.

(d) If the aircraft is sold, the new owner shall list the aircraft for taxation and registration under this subdivision, including the payment of the annual \$25 fee, or under sections 360.511 to 360.67, whichever is applicable.

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Sec. 6. Minnesota Statutes 2004, section 360.58, is amended to read:

360.58 OPERATION WITHOUT REGISTRATION OR PAYMENT.

No aircraft Except as exempted by sections 360.54 and 360.55, a person shall not use or be operated operate an aircraft in the air space over this state or upon any of the airports thereof in the tax period of January 1, 1966, to and including June 30, 1967, or in any fiscal year thereafter of this state until it shall have the aircraft has been registered as required in sections 360.54 to 360.67 and the aircraft tax and fees herein provided shall have been paid and the number plates, labels, or stamps issued therefor shall be duly displayed on such aircraft. A purchaser of a new aircraft may operate the aircraft without such plates, labels, or stamps upon securing from the commissioner, or any person designated by the commissioner for that purpose, a permit to operate such aircraft pending the issuance of plates; such permit shall be valid for not more than 15 days.

Sec. 7. Minnesota Statutes 2004, section 360.59, subdivision 2, is amended to read:

Subd. 2. **AGENT OR LIENOR MAY LIST.** Any act required herein of an owner may be performed in the owner's behalf by a duly authorized agent. Any person having a lien upon, or claim to, any aircraft may pay any tax due thereon to prevent the penalty for delayed registration from accruing, but the registration certificate and number plates shall not be issued until legal ownership is definitely determined.

Sec. 8. Minnesota Statutes 2004, section 360.59, subdivision 5, is amended to read:

Subd. 5. **COMMISSIONER TO APPROVE.** The commissioner shall approve applications and issue number plates for any aircraft. When an applicant is listing the same aircraft for taxation and registration for the second and succeeding time the registration certificate issued for the prior year need not be delivered to the commissioner; but in case of a transfer or sale the registration certificate therefor issued or proof of loss thereof by sworn statement shall be delivered to the commissioner. The commissioner shall be satisfied from the records that all taxes and fees due hereunder shall have been paid, and endorsements upon said certificate or sworn proof of loss in writing signed by the seller and purchaser, shall furnish proof that the applicant for registration is paying or receiving credit for the tax upon the aircraft of which the applicant is the rightful possessor.

Sec. 9. Minnesota Statutes 2004, section 360.59, subdivision 7, is amended to read:

Subd. 7. **TRANSFER OF OWNERSHIP.** Upon the transfer of ownership; the destruction, theft, or dismantling as such; or the permanent removal by the owner thereof from this state, of any aircraft registered in accordance with the provisions of sections 360.511 to 360.67, the right of the owner of such the aircraft to use the registration certificate and number plates assigned such the aircraft shall expire, and such certificate and any existing plates shall be, by such expires. The owner, shall forthwith returned return the certificate with transportation prepaid to the commis-

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sioner with a signed notice of the date and manner of termination of ownership, giving the name and post office address, with street and number, if in a city, of the person to whom transferred; ~~provided, however, that whenever the ownership of an aircraft shall be transferred to another who shall forthwith register the same in that person's name, the commissioner may permit the manual delivery of such plates to the new owner of such aircraft.~~ On becoming the owner by gift, trade, or purchase of any aircraft for which a registration certificate has been theretofore issued under the provisions of sections 360.511 to 360.67, a person, including a dealer or manufacturer, shall, within seven days after acquiring ownership, join with the registered owner in transmitting with an application the said registration certificate with the assignment and notice of sale duly executed upon the reverse side thereof, or in case of loss of ~~such the~~ certificate, with such proof of loss by sworn statements in writing as shall be satisfactory to the commissioner. Upon the transfer of any aircraft by a manufacturer or dealer, for use within the state, whether by sale, lease, or otherwise, ~~such the~~ manufacturer or dealer shall, within seven days after ~~such the~~ transfer, transmit the transferee's application for registration thereof and ~~such the~~ manufacturer or dealer shall each month file with the commissioner a notice or report containing the date of ~~such the~~ transfer, a description of ~~such the~~ aircraft, and the name, street and number of residence, if in a city, and post office address of the transferee.

Sec. 10. Minnesota Statutes 2004, section 360.59, subdivision 8, is amended to read:

Subd. 8. **AMENDMENT, SUSPENSION, MODIFICATION, REVOCATION.** All registrations and issue of number plates shall be are subject to amendment, suspension, modification, or revocation by the commissioner summarily for any violation of or neglect to comply with the provisions of sections 360.511 to 360.67. In any case where the proper registration of an aircraft is dependent upon procuring information entailing such delay as to unreasonably deprive the owner of the use of the aircraft, the commissioner may issue a tax receipt and plates conditionally. In any case when revoking a registration for cause, the commissioner shall ~~have~~ has the authority to demand the return of the number plates and registration certificate and, if necessary, to seize the number plates issued for such registration.

Sec. 11. Minnesota Statutes 2004, section 360.63, subdivision 2, is amended to read:

Subd. 2. **DEALERS' PLATES AIRCRAFT DEMONSTRATION.** Any licensed aircraft dealer may apply to the commissioner for one or more aircraft dealers' plates. A charge of \$15 shall be made for each such plate. Any aircraft owned by said an aircraft dealer, licensed under this section, may be used for the purpose of demonstration or for any purpose incident to the usual conduct and operation of business as an aircraft dealer; ~~provided aircraft dealers' plates are conspicuously attached to the aircraft when so used, and provided said the aircraft has been first listed with the commissioner on an aircraft withholding form provided by the commissioner.~~

Sec. 12. Minnesota Statutes 2004, section 360.67, subdivision 4, is amended to read:

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Subd. 4. **FRAUD.** Any person who:

(1) uses any number plates, label, or stamp or registration certificate upon or in connection with any aircraft except the one for which the same were duly issued, or upon any such aircraft after the certificate, plates, label, or stamp or the right to use the same have expired, or retains in possession or fails to surrender as provided in sections 360.511 to 360.67 any such number plates, label, stamp, or registration certificate;

(2) displays, or causes to be displayed, or has in possession any canceled, revoked, suspended, or fraudulently obtained or stolen registration plates, label, or stamp;

(3) lends the person's registration plates, label, or stamp to any person or knowingly permits the use thereof by another;

(4) displays or represents as the person's own any registration plates, label, or stamp not issued to the person; provided, this shall not apply to any legal change of ownership of the aircraft to which the plates, label, or stamp are attached;

(5) uses a false or fictitious name or address or description of the aircraft, engine number, or frame number in any application for registration of an aircraft or knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application; or

(6) defaces or alters any registration certificate or number plates or retains the same in possession after the same have been defaced or altered, shall be is guilty of a misdemeanor.

Sec. 13. Minnesota Statutes 2004, section 394.22, subdivision 12, is amended to read:

Subd. 12. **OFFICIAL MAP.** "Official map" means a map adopted in accordance with section 394.361, which may show existing county roads and county state-aid highways, proposed future county roads and highways, the area needed for widening existing county roads and highways, and existing and future state trunk highway rights-of-way. An official map may also show the location of existing public land and facilities and other land needed for future public purposes, including public facilities such as parks, playgrounds, schools, and other public buildings, civic centers, airports, and travel service facilities. When requested in accordance with section 394.32, subdivision 3, an official map may include existing and planned public land uses within incorporated areas.

Sec. 14. Minnesota Statutes 2004, section 394.361, subdivision 1, is amended to read:

Subdivision 1. **FUTURE PUBLIC USES.** Land that is needed for future street and highway purposes, or for aviation purposes, and as sites for other necessary public facilities and services is frequently diverted to nonpublic uses which that could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained later only at prohibitive cost or at the expense of dislocating the owners and occupants of the land.

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Identification on official maps of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made which that will make such adjustments difficult to accomplish.

Sec. 15. Minnesota Statutes 2004, section 394.361, subdivision 3, is amended to read:

Subd. 3. **EFFECT.** After an official map has been adopted and filed, the issuance of land use or zoning permits or approvals by the county ~~shall be~~ is subject to the provisions of this section. Whenever any street or highway is widened or improved or any new street is opened, or interests in lands for other public purposes, including aviation purposes, are acquired by the county, it is not required in such proceedings to pay for any building or structure placed without a permit or approval or in violation of conditions of a permit or approval within the limits of the mapped street or highway or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes, including aviation purposes. The adoption of official maps does not give the county any right, title, or interest in areas identified for public purposes thereon, but the adoption of a map does authorize the county to acquire ~~such these~~ these interests without paying compensation for buildings or structures erected in ~~such those~~ those areas without a permit or approval or in violation of the conditions of a permit or approval. ~~The provisions of This subdivision shall does~~ not apply to buildings or structures in existence prior to the filing of the official map.

Sec. 16. Minnesota Statutes 2004, section 462.352, subdivision 10, is amended to read:

Subd. 10. **OFFICIAL MAP.** "Official map" means a map adopted in accordance with section 462.359, which may show existing and proposed future streets, roads, ~~and~~ highways, and airports of the municipality and county, the area needed for widening of existing streets, roads, and highways of the municipality and county, 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 those~~ those areas against encroachment by buildings, or other physical structures or facilities.

Sec. 17. Minnesota Statutes 2004, section 462.355, subdivision 4, is amended to read:

Subd. 4. **INTERIM ORDINANCE.** If a municipality is conducting studies or has authorized a study to be conducted or has held or has scheduled a hearing for the purpose of considering adoption or amendment of a comprehensive plan or official controls as defined in section 462.352, subdivision 15, or if new territory for which plans or controls have not been adopted is annexed to a municipality, the governing body of the municipality may adopt an interim ordinance applicable to all or part of its

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jurisdiction for the purpose of protecting the planning process and the health, safety and welfare of its citizens. The interim ordinance may regulate, restrict, or prohibit any use, development, or subdivision within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective. The period of an interim ordinance applicable to an area that is affected by a city's master plan for a municipal airport may be extended for such additional periods as the municipality may deem appropriate, not exceeding a total additional period of 18 months in the case where the Minnesota Department of Transportation has requested a city to review its master plan for a municipal airport prior to August 1, 2004. In all other cases, no interim ordinance may halt, delay, or impede a subdivision which that has been given preliminary approval, nor may any interim ordinance extend the time deadline for agency action set forth in section 15.99 with respect to any application filed prior to the effective date of the interim ordinance. The governing body of the municipality may extend the interim ordinance after a public hearing and written findings have been adopted based upon one or more of the conditions in clause (1), (2), or (3). The public hearing must be held at least 15 days but not more than 30 days before the expiration of the interim ordinance, and notice of the hearing must be published at least ten days before the hearing. The interim ordinance may be extended for the following conditions and durations, but, except as provided in clause (3), an interim ordinance may not be extended more than an additional 18 months:

(1) up to an additional 120 days following the receipt of the final approval or review by a federal, state, or metropolitan agency when the approval is required by law and the review or approval has not been completed and received by the municipality at least 30 days before the expiration of the interim ordinance;

(2) up to an additional 120 days following the completion of any other process required by a state statute, federal law, or court order, when the process is not completed at least 30 days before the expiration of the interim ordinance; or

(3) up to an additional one year if the municipality has not adopted a comprehensive plan under this section at the time the interim ordinance is enacted.

Sec. 18. Minnesota Statutes 2004, section 462.359, subdivision 1, is amended to read:

Subdivision 1. **STATEMENT OF PURPOSE.** Land that is needed for future street purposes or for aviation purposes and as sites for other necessary public facilities and services is frequently diverted to nonpublic uses ~~which that~~ could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained later only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on an official map of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made ~~which that~~ will make such adjustments difficult to accomplish.

Sec. 19. Minnesota Statutes 2004, section 462.359, subdivision 3, is amended to read:

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Subd. 3. **EFFECT**, After an official map has been adopted and filed, the issuance of building permits by the municipality shall be subject to the provisions of this section. Whenever any street or highway is widened or improved or any new street is opened, or interests in lands for other public purposes, including aviation purposes, are acquired by the municipality, it is not required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit within the limits of the mapped street or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes. The adoption of an official map does not give the municipality any right, title, or interest in areas identified for public purposes thereon, but the adoption of the map does authorize the municipality to acquire such interests without paying compensation for buildings or structures erected in such those areas without a permit or in violation of the conditions of a permit.

Sec. 20. PARKING LOT LEASE.

Notwithstanding any law to the contrary, the commissioner of administration shall negotiate a lease with a prospective tenant regarding the use for fair market value of the parking lot of the state-owned building at 222 East Plato Boulevard in the city of St. Paul. Money received by reason of the lease must be deposited in the state airports fund.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 21. REPEALER.

Minnesota Statutes 2004, section 360.59, subdivisions 4 and 9, are repealed.

Presented to the governor May 6, 2005

Signed by the governor May 9, 2005, 10:45 p.m.

CHAPTER 42—S.F.No. 2112

An act relating to local government; providing for meetings of county boards at locations other than the county seat; amending Minnesota Statutes 2004, section 375.07.

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

Section 1. Minnesota Statutes 2004, section 375.07, is amended to read:

375.07 MEETINGS; QUORUM.

The board shall meet at the county seat for the transaction of business on the first Tuesday after the first Monday in January, and may meet on other days and at other locations within the county it prescribes as necessary for the interests of the county. A majority shall constitute a quorum, and no business shall be done unless voted for by a majority of the whole board, but less than a majority may adjourn. Sessions shall be

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