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State of Minnesota

Printed Page No. 27

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 758

- 02/04/2019 Authored by Persell
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy
- 02/21/2019 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
- 02/25/2019 By motion, re-referred to the Committee on Government Operations
- 03/07/2019 Adoption of Report: Placed on the General Register
Read for the Second Time
- 05/20/2019 Pursuant to Rule 4.20, returned to the Committee on Government Operations

1.1 A bill for an act

1.2 relating to environment; ensuring that Mississippi Headwaters Board has

1.3 certification jurisdiction over headwaters area; amending Minnesota Statutes 2018,

1.4 sections 103F.361, subdivision 2; 103F.363, subdivision 1; 103F.365, by adding

1.5 a subdivision; 103F.371; 103F.373, subdivisions 1, 3, 4.

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

1.7 Section 1. Minnesota Statutes 2018, section 103F.361, subdivision 2, is amended to read:

1.8 Subd. 2. **Legislative intent.** It is the intent of sections 103F.361 to 103F.377 to authorize

1.9 and direct the board and ~~the counties~~ zoning authorities to implement the plan for the

1.10 Mississippi headwaters area.

1.11 Sec. 2. Minnesota Statutes 2018, section 103F.363, subdivision 1, is amended to read:

1.12 Subdivision 1. **Generally.** Sections 103F.361 to 103F.377 apply to the counties of

1.13 Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing, and Morrison and all other

1.14 zoning authorities.

1.15 Sec. 3. Minnesota Statutes 2018, section 103F.365, is amended by adding a subdivision
1.16 to read:

1.17 Subd. 5. **Zoning authority.** "Zoning authority" means counties, organized townships,

1.18 local and special governmental units, joint powers boards, councils, commissions, boards,

1.19 districts, and all state agencies and departments wholly or partially within the corridor

1.20 defined by the plan, excluding statutory or home rule charter cities.

2.1 Sec. 4. Minnesota Statutes 2018, section 103F.371, is amended to read:

2.2 **103F.371 RESPONSIBILITIES OF OTHER GOVERNMENTAL UNITS.**

2.3 (a) All local and special governmental units, councils, commissions, boards and districts
 2.4 and all state agencies and departments must exercise their powers so as to further the purposes
 2.5 of sections 103F.361 to 103F.377 and the plan. Land owned by the state, its agencies, and
 2.6 political subdivisions shall be administered in accordance with the plan. The certification
 2.7 procedure under section 103F.373 applies to all zoning authorities in the corridor defined
 2.8 by the plan.

2.9 (b) Actions that comply with the land use ordinance are consistent with the plan. Actions
 2.10 that do not comply with the ordinance may not be started until the board has been notified
 2.11 and given an opportunity to review and comment on the consistency of the action with this
 2.12 section.

2.13 Sec. 5. Minnesota Statutes 2018, section 103F.373, subdivision 1, is amended to read:

2.14 Subdivision 1. **Purpose.** To ~~assure~~ ensure that the plan is not nullified by unjustified
 2.15 exceptions in particular cases and to promote uniformity in the treatment of applications
 2.16 for exceptions, a review and certification procedure is established for the following categories
 2.17 of land use actions taken by ~~the counties and~~ zoning authorities directly or indirectly affecting
 2.18 land use within the area covered by the plan:

2.19 (1) the adoption or amendment of an ordinance regulating the use of land, including
 2.20 rezoning of particular tracts of land;

2.21 (2) the granting of a variance from provisions of the land use ordinance; and

2.22 (3) the approval of a plat which is inconsistent with the land use ordinance.

2.23 Sec. 6. Minnesota Statutes 2018, section 103F.373, subdivision 3, is amended to read:

2.24 Subd. 3. **Procedure for certification.** A copy of the notices of public hearings or, when
 2.25 a hearing is not required, a copy of the application to consider an action of a type specified
 2.26 in subdivision 1, clauses (1) to (3), must be forwarded to the board by the ~~county~~ zoning
 2.27 authority at least 15 days before the hearing or meetings to consider the actions. The ~~county~~
 2.28 zoning authority shall notify the board of its final decision on the proposed action within
 2.29 ten days of the decision. By 30 days after the board receives the notice, the board shall
 2.30 notify the ~~county~~ zoning authority and the applicant of ~~its~~ the board's approval or disapproval
 2.31 of the proposed action.

3.1 Sec. 7. Minnesota Statutes 2018, section 103F.373, subdivision 4, is amended to read:

3.2 Subd. 4. **Disapproval of actions.** (a) If a notice of disapproval is issued by the board,
3.3 the ~~county~~ zoning authority or the applicant may, within 30 days of the notice, file with the
3.4 board a demand for a hearing. If a demand is not filed within the 30-day period, the
3.5 disapproval becomes final.

3.6 (b) If a demand is filed within the 30-day period, a hearing must be held within 60 days
3.7 of demand. The hearing must be preceded by two weeks' published notice. Within 30 days
3.8 after the hearing, the board must:

3.9 (1) affirm its disapproval of the proposed action; or

3.10 (2) certify approval of the proposed action.