

**TIONS.** When the ~~department, in a proceeding initiated~~ commission, upon its own motion, complaint, or application to it, shall deem and after a public hearing, in which a majority of the commissioners agree it is necessary to ascertain and determine through hearing or other action to investigate: (a) the value of any telephone property subject to its jurisdiction; ~~or to investigate its~~; (b) the adequacy or reasonableness of any telephone service or rate; (c) the cost of a proposed upgrading of service; or (d) telephone company revenues and expenses for rate making or other purposes, such telephone company which is the subject of the investigation shall be charged with and pay such portion of the compensation and expense of the ~~department~~ commission, its officers, legal counsel, agents, and ~~employees~~ staff of the department of public service, including legal counsel and employees temporarily employed, and all reasonable expenses and costs occasioned in sustaining in any court the determination or action of the department in such investigations, ~~valuations, or revaluations;~~ as is reasonably attributable to such investigations, ~~valuations, or revaluations;~~ pending or hereafter brought, provided an opportunity to be heard thereon shall first have been granted to such telephone company.

Sec. 2. Minnesota Statutes 1974, Section 237.32, is repealed.

Approved April 4, 1975.

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## CHAPTER 26—S.F.No.613

[Not Coded]

*An act relating to the city of Austin; authorizing the city of Austin to establish and maintain a downtown mall.*

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

Section 1. **AUSTIN, CITY OF; PEDESTRIAN MALLS AUTHORIZED.** Subdivision 1. The city of Austin in Mower county may, by ordinance adopted by its council in accordance with the city charter and this act designate certain streets and alleys within its corporate limits as malls primarily for pedestrian use, which malls may be open or covered as the council directs, and may establish standards and procedures regulating the use of said areas, including pedestrian systems, special lighting, similar systems, public facilities constructed therein, open space to be created, and the proposed operations of said malls.

Subd. 2. If the city council determines that limitation of the use of certain designated streets and alleys by vehicles is in the best interests of the city, and of a benefit to adjoining and abutting property owners, and that the same is essential to carrying out the purposes of this act, the city council may so limit such use; provided, however, that any ordinance limiting use of streets and alleys shall provide reasonable and

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adequate means of receiving and delivering merchandise and materials to and from such property.

Sec. 2. **CITY OF AUSTIN; SPECIAL POWERS.** The city of Austin, in addition to powers prescribed elsewhere, may:

(a) Purchase, own, construct, and otherwise acquire buildings, easements and capital improvements to be located permanently or used exclusively in a mall area, provided they are deemed necessary in connection with the project;

(b) Enter into contracts on behalf of the city for the operation, acquisition, or maintenance of any of the facilities utilized or to be constructed under this act;

(c) Lease space to private individuals or corporations within a mall area under the terms of this act;

(d) Acquire property or easements through negotiation or eminent domain, to carry out the purposes of this act, which acquisition is hereby stated to have a public purpose;

(e) Adopt regulations in connection with the use of malls for any purpose or activity under the authority of this act and for the purposes herein stated;

(f) Adopt a plan providing for the location and distribution within a mall area for furniture, sculpture, traffic control devices, trees, flowers, lighting, heating and cooling facilities, and any other equipment or properties placed or installed in a mall area whether owned by the city or not, and license and regulate the operation and maintenance thereof. Any furniture, structure, facility or use located or permitted pursuant to such plan shall not, by reason of such location or use, be deemed a nuisance or unlawful obstruction or condition, and neither the city nor any user acting thereunder shall be liable for any injury to person or property unless such furniture, structure, facility, or use thereof shall be negligently constructed, maintained, or operated;

(g) Regulate traffic and the hours that a mall is open to the public, and the types of services to be allowed in the arcades, sidewalks and streets;

(h) Install special lighting systems, street signs, street furniture, landscaping, facilities for the sale and display of merchandise on streets and public property in a mall area;

(i) Control, lease, and otherwise deal in air rights in and over mall areas;

(j) Make all contracts, execute all instruments, and do all things necessary or convenient in the exercise of the powers herein granted in

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order to effectuate the purposes of this act;

(k) Enter into and perform such contracts and agreements with all individuals, other municipalities, political subdivisions, or state agencies as may be proper and feasible for the operation of any of the facilities constructed hereunder;

(l) Apply for grants from any authorized agency of the state, or of the United States, or any other source;

(m) Issue bonds to finance such improvements and developments incidental to the success of mall areas in accordance with Minnesota Statutes, Chapter 475;

(n) As a lessor, reenter leased premises upon default of the lessee and operate or release the project in such manner as may be authorized or required by the provisions of the lease; provided, however, that this authorization shall not be construed to allow the city to operate a business in any manner whatsoever;

(o) Regulate access to mall areas, pedestrian skyways, and other systems and conditions under which access is allowed;

(p) Install special removal systems for accumulations of every kind, including snow, garbage, and mercantile waste products;

(q) Require private developers to construct buildings so as to accommodate and support such mall structures;

(r) Authorize any of its powers hereunder to be exercised by the housing and redevelopment authority of the city of Austin, in the manner and to the extent deemed necessary or desirable to implement any urban renewal plan for an area within which a mall is established.

**Sec. 3. ADOPTION OF PLAN.** The city council may, after recommendations from its planning agency and after public hearings, notice of which shall have been published in the official newspaper not less than five days before the hearing, enact an ordinance in accordance with the city charter establishing a comprehensive mall area plan. Said plan shall be submitted to the housing and redevelopment authority of the city of Austin for its examination and recommendations. The ordinance may from time to time be amended.

**Sec. 4. MAINTENANCE AND IMPROVEMENT OF MALL; ASSESSMENT.** Subdivision 1. A mall established pursuant to this act may be maintained, improved, and operated, and the cost of the same paid by any and all means authorized by city charter and state law. The amount of assessment against property for maintenance, improvement and operation of said mall shall be assessed against property abutting as well as included within the mall, based upon the benefits received. The council may annually cause an estimate to be made of

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the cost of operation, improvement and maintenance of the mall for the following fiscal year. Assessments based thereon shall be certified by the council to the county auditor of Mower county for collection. Said county auditor shall remit to the city of Austin all sums collected by reason of such assessment. The city shall comply with applicable statutory requirements relating to local improvements and special assessments, Minnesota Statutes, Chapter 429, and pertinent city charter or ordinance provisions. A public hearing shall be held and notice of the time, place and purpose of the hearing shall be published in the official newspaper of the city of Austin at least ten days prior to the day of hearing. For the purpose of giving mailed notice, the city recorder, under the direction of the city council, may use any appropriate records to determine the names and addresses of the owners. A copy of the notice and a list of the owners and addresses to which notice was sent shall be attested to by the city recorder and shall be made a part of the record of the proceedings. The failure to give notice to an individual property owner, or defects in the notice, shall not invalidate the notice of the proceedings, provided a bona fide attempt to comply with these provisions has been made and said properties may thereafter be assessed for benefits in the manner provided in Minnesota Statutes, Section 429.101.

Subd. 2. A mall may be improved after its adaption from regular street use and the costs of such improvements may be assessed upon benefited properties and otherwise paid as provided by subdivision 1. A mall improvement includes, but is not limited to, facilities for seating persons, cafe tables, shelters, trees, shrubbery, sculpture, news stands, lighting, trash receptacles, and other items of a similar nature that will, in the council's judgement, enhance the free movement, safety, convenience of the pedestrians, and benefit the adjoining property owners and tenants.

Sec. 5. **POLICE POWERS.** Notwithstanding establishment of a mall or improvement of a street or any portion of a street as part of such mall or any limitation of the use thereof by private vehicles, the city retains at all times its full police powers and such other powers and rights pertaining to such street or streets as it has heretofore had. The use of a public street or public right of way for pedestrian travel only constitutes a public use and shall not require a vacation of the street or right of way.

Sec. 6. **TAX EXEMPTION.** Mall structure pedestrian concourses and public parking structures developed pursuant to this act are public property to be used for essential public and governmental purposes and are exempt from all taxes and special assessments of city, county, state, or any political subdivision, thereof. For purposes of this section, "taxes and special assessments" do not include charges for utilities and special services such as heat, water, electricity, gas, sewage or garbage removal. Any space within a mall area leased to private individuals or corporations shall be subject to taxation in the same manner as any other individual or corporation leasing property.

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Sec. 7. **VALIDATION.** All actions and proceedings heretofore taken by the city and the housing and redevelopment authority of the city of Austin, of a character authorized under the express provisions of this act after its effective date, are legalized and validated as fully as if this act had been in effect at the times they were taken.

Sec. 8. **EFFECTIVE DATE.** This act is effective upon its approval by the governing body of the city of Austin and upon compliance with Minnesota Statutes, Section 645.021.

Approved April 7, 1975.

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**CHAPTER 27—H.F.No.103**

*An act relating to securities; brokers-dealers; creating an exemption from usury for margin accounts; amending Minnesota Statutes 1974, Section 334.19.*

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

Section 1. Minnesota Statutes 1974, Section 334.19, is amended to read:

**334.19 SECURITIES; INTEREST RATES ON MARGIN ACCOUNTS.** Subject to the provisions of chapter 80A, no law in this state prescribing or limiting interest rates upon loans applies to interest charged by a broker or dealer registered under the Securities Exchange Act of 1934, as amended, for carrying a debit balance including a debit balance arising out of a nonpurpose loan, in an account for a customer if such debit balance is payable on demand and secured by securities or bonds and if such interest does not exceed the rate of 10 percent per annum or the equivalent rate for a longer or shorter period .

Sec. 2. **EFFECTIVE DATE.** This act takes effect the day following its final enactment.

Approved April 9, 1975.

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**CHAPTER 28—H.F.No.163**

*An act relating to pedestrian malls; modifying the composition of an advisory board; amending Minnesota Statutes 1974, Section 430.101, Subdivision 3.*

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

Section 1. Minnesota Statutes 1974, Section 430.101, Subdivision

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