
 CHAPTER 236—H.F.No.1471

[Coded in Part]

An act relating to aeronautics; providing that airport zoning variances be deemed to be granted if a board of adjustment fails to act within four months of application; providing for review of such variances by the commissioner of transportation; amending Minnesota Statutes 1976, Sections 360.063, by adding a subdivision; 360.067, Subdivision 2; and 360.072, Subdivision 1.

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

Section 1. Minnesota Statutes 1976, Section 360.063, is amended by adding a subdivision to read:

Subd. 6a. AERONAUTICS; REVIEW OF VARIANCES GRANTED WHEN BOARD OF ADJUSTMENT FAILS TO ACT. When the commissioner receives notice that an airport zoning variance has been granted by reason of the failure of a board of adjustment to act on the variance as provided in section 360.067, subdivision 2, he shall review the application and may amend or rescind the variance if he finds that this action is required to protect the public safety. No action of the commissioner pursuant to this subdivision shall be effective unless the commissioner notifies the applicant of that action within 60 days after receiving notice that the variance was granted. Any action taken by the commissioner pursuant to this subdivision shall be subject to review by the courts as provided in section 360.072.

Sec. 2. Minnesota Statutes 1976, Section 360.067, Subdivision 2, is amended to read:

Subd. 2. VARIANCES. Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use his property in violation of airport zoning regulations adopted under ~~Laws 1945, chapter 303~~ 360, may apply to the board of adjustment, hereinafter provided for, for a variance from the zoning regulations in question. If a person submits an application for a variance by certified mail to the members of the board and the board fails to grant or deny the variance within four months after the last member receives the application, the variance shall be deemed to be granted by the board. When the variance is granted by reason of the failure of the board to act on the variance, the person receiving the variance shall notify the board and the commissioner of transportation by certified mail that the variance has been granted. The applicant shall include a copy of the original application for the variance with this notice to the commissioner. The variance shall be effective 60 days after this notice is received by the commissioner subject to any action taken by the commissioner pursuant to section 360.063, subdivision 6. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and ~~Laws 1945, chapter 303~~ 360; provided, any variance may be allowed subject to any reasonable conditions that the

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board of adjustment may deem necessary to effectuate the purposes of this act.

Sec. 3. Minnesota Statutes 1976, Section 360.072, Subdivision 1, is amended to read:

360.072 **JUDICIAL REVIEW.** Subdivision 1. **PETITION.** Any person aggrieved, or taxpayer affected, by any decision of a board of adjustment, or of any action of the commissioner taken under section 360.063, ~~subdivision subdivisions 6 or 6a,~~ or any governing body of a municipality or county, or any joint airport zoning board, which is of the opinion that a decision of a board of adjustment or action of the commissioner is illegal may present to the district court of the county in which the airport involved, or the major portion thereof, is located a verified petition setting forth that the decision or action is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the decision is filed in the office of the board, or the action taken by the commissioner.

Approved May 20, 1977.

CHAPTER 237—H.F.No.1474

An act relating to employment services; authorizing the release of information to certain state agencies; amending Minnesota Statutes 1976, Section 268.12, Subdivision 12.

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

Section 1. Minnesota Statutes 1976, Section 268.12, Subdivision 12, is amended to read:

Subd. 12. **EMPLOYMENT SERVICES; RELEASE OF INFORMATION TO STATE AGENCIES.** Except as hereinafter otherwise provided, information obtained from any employing unit or individual pursuant to the administration of sections 268.03 to 268.24, and from any determination as to the benefit rights of any individual shall be held confidential and shall not be disclosed or be open to public inspection in any manner revealing the individual's or employing unit's identity. Any claimant or other interested party (or his legal representative) shall be supplied with information from the records of the department of employment services, to the extent necessary for the proper presentation of his claim, contention or refutation of any claim in which he is an interested party in any proceeding under these sections with respect thereto. Subject to such restrictions as the commissioner may by regulation prescribe, such information may be made available to any agency of this or any other state, or any federal agency charged with the administration of an employment and security law or the maintenance of a system of public employment offices, any agency of this state which is required by law to provide statistical information to the bureau of labor statistics of the United States department of labor, any local human rights department within the state which has enforcement powers, or the Bureau of Internal Revenue of the United States Department of the Treasury, and information obtained in connection with administration of the

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