

Presented to the governor May 24, 1991

Signed by the governor May 28, 1991, 10:22 a.m.

CHAPTER 222—S.F.No. 449

VETOED

CHAPTER 223—S.F.No. 822

An act relating to the environment; clarifying that certain persons who own or have the capacity to influence operation of property are not responsible persons under the environmental response and liability act solely because of ownership or the capacity to influence operation; amending Minnesota Statutes 1990, section 115B.03, by adding subdivisions.

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

Section 1. Minnesota Statutes 1990, section 115B.03, is amended by adding a subdivision to read:

Subd. 5. EMINENT DOMAIN. (a) The state, an agency of the state, or a political subdivision that acquires property through exercise of the power of eminent domain, or through negotiated purchase after filing a petition for the taking of the property through eminent domain, or adopting a redevelopment or development plan under sections 469.001 to 469.134 describing the property and stating its intended use and the necessity of its taking is not a responsible person under this section solely as a result of the acquisition of the property.

(b) A person who acquires property from the state, an agency of the state, or a political subdivision, is not a responsible person under this section solely as a result of the acquisition of property if the property was acquired by the state, agency, or political subdivision through exercise of the power of eminent domain or by negotiated purchase after filing a petition for the taking of the property through eminent domain or adopting a redevelopment or development plan under sections 469.001 to 469.134 describing the property and stating its intended use and the necessity of its taking.

Sec. 2. Minnesota Statutes 1990, section 115B.03, is amended by adding a subdivision to read:

Subd. 6. MORTGAGES. (a) A mortgagee is not a responsible person under this section solely because the mortgagee becomes an owner of real property through foreclosure of the mortgage or by receipt of the deed to the mortgaged property in lieu of foreclosure.

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

(b) A mortgagee of real property where a facility is located or a holder of a security interest in facility assets or inventory is not an operator of the facility for the purpose of this section solely because the mortgagee or holder has a capacity to influence the operation of the facility to protect its security interest in the real property or assets.

Sec. 3. Minnesota Statutes 1990, section 115B.03, is amended by adding a subdivision to read:

Subd. 7. CONTRACT FOR DEED VENDORS. A contract for deed vendor who is otherwise not a responsible party for a release or a threatened release of a hazardous substance from a facility is not a responsible person under this section solely as a result of a termination of the contract for deed under section 559.21.

Presented to the governor May 24, 1991

Signed by the governor May 28, 1991, 10:25 a.m.

CHAPTER 224—H.F.No. 236

An act relating to eminent domain; allowing entry onto land for environmental testing before beginning eminent domain proceedings; providing for findings regarding the cost of removal and remedial actions relating to environmental contamination; amending Minnesota Statutes 1990, sections 117.041; and 117.085.

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

Section 1. Minnesota Statutes 1990, section 117.041, is amended to read:

117.041 ENTRY FOR SURVEYS SURVEY OR ENVIRONMENTAL TESTING.

Subdivision 1. SURVEYS. For the purpose of making surveys and examinations relative to any proceedings under this chapter, it shall be lawful to enter upon any land, doing no unnecessary damage.

Subd. 2. ENVIRONMENTAL TESTING BEFORE EMINENT DOMAIN PROCEEDINGS. (a) A state agency by order of the commissioner or a political subdivision by resolution may enter property for purposes of investigation, monitoring, testing, surveying, boring, or other similar activities necessary or appropriate to identify the existence and extent of a release or threat of release of a hazardous substance, pollutant, or contaminant if:

(1) the state agency or political subdivision has reason to believe that acquisition of the property may be required pursuant to eminent domain proceedings;

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