

CHAPTER 475—H.F.No. 2211

VETOED

CHAPTER 476—H.F.No. 2623

An act relating to the Mississippi river headwaters area; updating and changing provisions relating to activities of the Mississippi headwaters board; authorizing certain powers for the Spirit Mountain recreation area authority; amending Minnesota Statutes 1990, sections 103F.361, subdivision 2; 103F.363, subdivision 2; 103F.365, by adding a subdivision; 103F.367, subdivision 6; 103F.369, subdivisions 1 and 4; 103F.371; 103F.373, subdivisions 1 and 2; 103F.375, subdivision 1; and 103F.377; Minnesota Statutes 1991 Supplement, section 103F.369, subdivision 2; Laws 1973, chapter 327, section 5.

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

Section 1. Minnesota Statutes 1990, section 103F.361, subdivision 2, is amended to read:

Subd. 2. **LEGISLATIVE INTENT.** It is the intent of sections 103F.361 to 103F.377 to authorize and direct the board and the counties to implement ~~this comprehensive~~ the plan for the Mississippi headwaters area.

Sec. 2. Minnesota Statutes 1990, section 103F.363, subdivision 2, is amended to read:

Subd. 2. **LEECH LAKE INDIAN RESERVATION.** Sections 103F.361 to 103F.377 do not alter or expand the zoning jurisdiction of the counties within the exterior boundaries of the Leech Lake Indian Reservation. The ~~comprehensive plan of the board~~ and the county ordinances adopted pursuant to section 103F.369, subdivision ~~4~~ 4, apply only to areas within the zoning jurisdiction of the counties as provided by law in effect prior to May 20, 1981.

Sec. 3. Minnesota Statutes 1990, section 103F.365, is amended by adding a subdivision to read:

Subd. 4. PLAN. "Plan" means the comprehensive land use plan approved by the board and dated July 1, 1992.

Sec. 4. Minnesota Statutes 1990, section 103F.367, subdivision 6, is amended to read:

Subd. 6. **FUNDING.** The board shall annually submit to each county for its approval an estimate of the funds it will need from that county in the next fiscal year to prepare and implement the ~~comprehensive land use~~ plan and otherwise carry out the duties imposed upon it by sections 103F.361 to 103F.377. Each county shall, upon approval of the estimate by its governing body, furnish

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the necessary funds to the board. The board may apply for, receive, and disburse federal, state, and other grants and donations.

Sec. 5. Minnesota Statutes 1990, section 103F.369, subdivision 1, is amended to read:

Subdivision 1. **ADOPTION OF EXISTING PLAN IMPLEMENTATION REQUIRED.** ~~The comprehensive land use plan prepared by the board and approved by resolution adopted on February 12, 1981, is the comprehensive land use plan authorized by section 103F.367, subdivision 1, and shall be implemented by the board as provided in this section and section 103F.373.~~

Sec. 6. Minnesota Statutes 1991 Supplement, section 103F.369, subdivision 2, is amended to read:

Subd. 2. **PLAN PROVIDES MINIMUM STANDARDS.** The standards set forth in the plan are the minimum standards which may be adopted by the board and by the counties for the protection and enhancement of the natural, scientific, historical, recreational and cultural values of the Mississippi River and related shoreland areas subject to the plan. Except for forest management, fish and wildlife habitat improvement, a veterans cemetery that complies with subdivision 5, and open space recreational uses as defined in the plan, state or county lands within the boundaries established by the plan may not be offered for public sale or lease. The board with the agreement, expressed by resolution adopted after public hearing, of the county boards of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing, and Morrison counties may amend the plan in any way that does not reduce the minimum standards set forth in the plan ~~approved on February 12, 1981.~~

Sec. 7. Minnesota Statutes 1990, section 103F.369, subdivision 4, is amended to read:

Subd. 4. **COUNTY LAND USE ORDINANCE MUST BE CONSISTENT WITH PLAN.** The counties shall adopt land use ordinances consistent with the ~~comprehensive land use plan of the board.~~

Sec. 8. Minnesota Statutes 1990, section 103F.371, is amended to read:

103F.371 RESPONSIBILITIES OF OTHER GOVERNMENTAL UNITS.

All local and special governmental units, councils, commissions, boards and districts and all state agencies and departments must exercise their powers so as to further the purposes of sections 103F.361 to 103F.377 and the ~~land use plan adopted by the board on February 12, 1981.~~ Land owned by the state, its agencies, and political subdivisions shall be administered in accordance with the ~~land use plan adopted by the board on February 12, 1981.~~

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

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Sec. 9. Minnesota Statutes 1990, section 103F.373, subdivision 1, is amended to read:

Subdivision 1. **PURPOSE.** To assure that the ~~comprehensive land use plan prepared by the board~~ is not nullified by unjustified exceptions in particular cases and to promote uniformity in the treatment of applications for exceptions, a review and certification procedure is established for the following categories of land use actions taken by the counties and directly or indirectly affecting land use within the area covered by the plan:

- (1) the adoption or amendment of an ordinance regulating the use of land, including rezoning of particular tracts of land;
- (2) the granting of a variance from provisions of the land use ordinance; and
- (3) the approval of a plat which is inconsistent with the land use ordinance.

Sec. 10. Minnesota Statutes 1990, section 103F.373, subdivision 2, is amended to read:

Subd. 2. **CERTIFICATION.** Notwithstanding any provision of chapter 394 to the contrary, an action of a type specified in subdivision 1, clauses (1) to (3), is not effective until the board has reviewed the action and certified that it is consistent with the ~~comprehensive plan of the board~~. In determining consistency of ordinances and ordinance amendments, the provisions of the ~~comprehensive land use plan~~ shall be considered minimum standards. An aggrieved person may appeal a decision of the type specified in subdivision 1, clauses (1) to (3), that is reviewed by the board under this section in the same manner as provided for review of a decision of a board of adjustment in section 394.27, subdivision 9, but only after the procedures prescribed under this section have been completed.

Sec. 11. Minnesota Statutes 1990, section 103F.375, subdivision 1, is amended to read:

Subdivision 1. **MORATORIUM ON CERTAIN ACTIVITIES.** If land subject to the ~~comprehensive land use plan of the board~~ is annexed, incorporated, or otherwise subjected to the land use planning authority of a home rule charter or statutory city, a moratorium shall exist on:

- (1) all subdivision platting and building permits on the land until zoning regulations are adopted for the land that comply with the provisions of the ~~comprehensive plan of the board~~; and
- (2) construction, grading and filling, and vegetative cutting as those activities are defined in the ~~comprehensive plan~~.

Sec. 12. Minnesota Statutes 1990, section 103F.377, is amended to read:

103F.377 **BIENNIAL REPORT.**

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During the first year of each biennial legislative session, the board shall prepare and present to the appropriate policy committees of the legislature a report concerning the actions of the board in exercising the authority granted by the legislature under sections 103F.361 to 103F.377. The report must include an assessment of the effectiveness of the ~~board's comprehensive land use~~ plan and its implementation in protecting and enhancing the natural, scientific, historical, recreational, and cultural values of the Mississippi River and related shorelands situated within the member counties.

Sec. 13. Laws 1973, chapter 327, section 5, is amended by adding a subdivision to read:

Subd. 8. OUTSIDE BUSINESS ACTIVITIES. Notwithstanding any contrary provision of sections 1 to 12, the authority may engage in business activities outside the geographic boundaries of the Spirit Mountain recreation area.

Sec. 14. EFFECTIVE DATE.

Sections 1 to 12 are effective upon approval by the governing bodies of the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing, and Morrison, and compliance with Minnesota Statutes, section 645.021, subdivision 3. Section 13 is effective on the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Duluth.

Presented to the governor April 15, 1992

Signed by the governor April 17, 1992, 5:30 p.m.

CHAPTER 477—H.F.No. 2551

An act relating to corporations; regulating registrations of domestic corporations with the secretary of state; amending Minnesota Statutes 1990, section 302A.821, as amended.

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

Section 1. Minnesota Statutes 1990, section 302A.821, as amended by Laws 1991, chapter 205, sections 5, 6, and 7, is amended to read:

302A.821 MINNESOTA CORPORATE REGISTRATION.

Subdivision 1. **INFORMATION REQUIRED.** A domestic corporation shall once each calendar year file either ~~(a) with the commissioner of revenue along with the return required by sections 289A.08 and 289A.12, subdivision 3, or along with an affidavit that the corporation need not file a return under section 289A.08~~ or ~~(b)~~ with the secretary of state; a registration containing:

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