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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **1397**

03/02/2015 Authored by Clark

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance

1.1 A bill for an act
1.2 relating to local government; allowing amortization of certain facilities;
1.3 amending Minnesota Statutes 2014, section 462.357, subdivision 1c.

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

1.5 Section 1. Minnesota Statutes 2014, section 462.357, subdivision 1c, is amended to read:

1.6 Subd. 1c. **Amortization prohibited; exceptions.** (a) Except as otherwise provided
1.7 in this subdivision, a municipality must not enact, amend, or enforce an ordinance
1.8 providing for the elimination or termination of a use by amortization which use was
1.9 lawful at the time of its inception.

1.10 (b) This subdivision does not apply to:

1.11 (1) adults-only bookstores, adults-only theaters, or similar adults-only businesses, as
1.12 defined by ordinance; or

1.13 (2) a facility that requires a permit under section 116.07 and is located:

1.14 (i) within a half-mile of a site designated by the federal government as an EPA
1.15 superfund site due to residential arsenic contamination and near the junctions of several
1.16 heavily trafficked state, county, and municipal roads that carry both truck and auto traffic;
1.17 and

1.18 (ii) in a community where a majority of the population are low-income persons
1.19 of color and American Indians and a disproportionate percentage of the children have
1.20 childhood lead poisoning, asthma, or other environmentally related health problems.