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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 2298

April 7, 2009

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The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform,
Technology and Elections

1.1 A bill for an act
1.2 relating to local government; providing for additional financing of parks, trails,
1.3 and recreational facilities for local units of government by special assessments;
1.4 proposing coding for new law in Minnesota Statutes, chapter 448.

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

1.6 Section 1. **[448.58] PARKS, TRAILS, AND RECREATIONAL FACILITIES;**
1.7 **FINANCING OPTION.**

1.8 Subdivision 1. **Definitions.** (a) The terms in this subdivision apply to this section.

1.9 (b) "Facilities" means parks, playgrounds, walking or biking trails, and recreational
1.10 complexes, including sporting fields, including but not limited to, softball, baseball,
1.11 soccer, football, ice hockey, and tennis courts.

1.12 (c) "Fund" means a dedicated account in which revenues raised under this section
1.13 are kept separate from all other governmental unit funds.

1.14 (d) "Governing body" means the city council, town board, or county board.

1.15 (e) "Governmental unit" means a home rule charter or statutory city, town, or county.

1.16 (f) "Plan" means an adopted plan for the facilities by the governmental unit.

1.17 Subd. 2. **Authorization.** A governmental unit may build, construct, reconstruct,
1.18 repair, enlarge, improve, or in any manner obtain facilities, and maintain and operate those
1.19 facilities both inside and outside the corporate limits. It may acquire by gift, purchase,
1.20 lease, condemnation, or otherwise any and all land, easements, and improvements required
1.21 for that purpose. This authority is in addition to all other powers with reference to facilities
1.22 otherwise granted by law or by charter of the governmental unit. The authority must
1.23 be exercised only under a parks and trails plan adopted by the governmental unit. The

2.1 governmental unit has the authority to manage both the plan and the facilities acquired or
2.2 developed under provisions of this section.

2.3 Subd. 3. **Financing.** To pay the cost of building, constructing, reconstructing,
2.4 repairing, enlarging, improving, or in any manner obtaining the facility or any portion of it
2.5 and of obtaining and complying with any permits required by law, the governmental unit
2.6 may levy a special assessment to pay the cost of the facility. The proceeds of the special
2.7 assessment must be kept in a dedicated account and used only to pay for such facilities
2.8 allowed in the adopted plan. The assessment may be assessed equally on all property or
2.9 assessed proportionally against the value of the property.

2.10 Subd. 4. **Collection of assessment.** On or before October 15 of each year, the
2.11 governmental unit shall certify to the county auditor any and all anticipated expenditures
2.12 under the adopted plan for the next year, minus any unspent funds from the previous
2.13 year. The amount certified must be collected and enforced in the manner provided for the
2.14 collection and enforcement of a special assessment against the property within the area
2.15 governed by the governmental unit.

2.16 Subd. 5. **Local options.** To establish the fund, the governmental unit must either
2.17 adopt the plan by ordinance after a public hearing on the plan or submit the plan to a vote
2.18 by the registered voters within the governmental unit, with the plan being made available
2.19 to the public. If the plan is submitted to the voters, a majority of those voting must vote in
2.20 the affirmative to adopt the plan. The vote may be for a continuous assessment for the
2.21 term of the plan or for a specific time frame shorter than the full term of the plan.

2.22 Subd. 6. **Excess net revenues.** If at the end of a fiscal year there are excess
2.23 revenues, the excess revenues must be deducted from the next year's special assessment.
2.24 If there are no other assessments required for the plan, excess revenues may be kept
2.25 within the fund for maintenance of facilities already developed or pledged to any future
2.26 plan that may be developed and adopted.

2.27 Subd. 7. **Other revenue sources.** This section does not preclude the governing unit
2.28 from using other financing instead of or in addition to the powers authorized in this section.

2.29 **EFFECTIVE DATE.** This section is effective for special assessments payable
2.30 in 2010, and thereafter.