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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 860

02/07/2019 Authored by Freiberg and Carlson, L., The bill was read for the first time and referred to the Committee on Government Operations

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 fees; proposing
1.4 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, soccer,
1.11 football, ice hockey, and tennis courts.

1.12 (c) "Fund" means a dedicated account in which revenues raised under this section are
1.13 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, repair,
1.18 enlarge, improve, or in any manner obtain facilities, and maintain and operate those facilities
1.19 both inside and outside the corporate limits. It may acquire by gift, purchase, lease,
1.20 condemnation, or otherwise any and all land, easements, and improvements required for
1.21 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 be

2.1 exercised only under a parks and trails plan adopted by the governmental unit. The
2.2 governmental unit has the authority to manage both the plan and the facilities acquired or
2.3 developed under provisions of this section.

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

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

2.17 Subd. 5. **Local options.** To establish the fund and the recreational facilities fee, the
2.18 governmental unit must either adopt the plan by ordinance after a public hearing on the plan
2.19 or submit the plan to a vote by the registered voters within the governmental unit, with the
2.20 plan being made available to the public. The plan must specify whether the fee is charged
2.21 equally or proportionally on property value. If the plan is submitted to the voters, a majority
2.22 of those voting must vote in the affirmative to adopt the plan. The vote may be for a
2.23 continuous fee for the term of the plan or for a specific time frame shorter than the full term
2.24 of the plan.

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

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

2.31 **EFFECTIVE DATE.** This section is effective for fees payable in 2020 and thereafter.