

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 2328

(SENATE AUTHORS: HALL)

DATE
04/20/2017

D-PG

Introduction and first reading
Referred to Local Government

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to local government; requiring notice of certain ordinances and resolutions;
1.3 requiring an economic analysis on the impact of licensed businesses and local or
1.4 state tax revenue; amending Minnesota Statutes 2016, section 375.51, subdivision
1.5 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes,
1.6 chapter 471.

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

1.8 Section 1. Minnesota Statutes 2016, section 375.51, subdivision 2, is amended to read:

1.9 Subd. 2. **Notice of intention.** Except as required in subdivision 2a, no county ordinance
1.10 shall be enacted unless a notice of the intention to enact it has been published in the official
1.11 newspaper of the county not less than ten days before the meeting or public hearing required
1.12 by subdivision 1 at which it is to be considered. Public hearings may be continued from
1.13 time to time and additional hearings may be held. The notice shall state the subject matter
1.14 and the general purpose of the proposed ordinance. Proof of the publication of the notice
1.15 shall be attached to and filed with the ordinance, if enacted, in the office of the county
1.16 auditor.

1.17 Sec. 2. Minnesota Statutes 2016, section 375.51, is amended by adding a subdivision to
1.18 read:

1.19 Subd. 2a. **Ordinances related to marketing.** (a) Notwithstanding any other law, the
1.20 county board shall give 30 days' notice of its intention to hold a hearing on the adoption or
1.21 amendment of any ordinance or resolution that sets standards or requirements regarding the
1.22 sale, use, or marketing of merchandise to consumers at retail or food service locations that
1.23 are different from, or in addition to, any requirement established by state law. For the

2.1 purposes of this section, "merchandise" means goods offered for sale, provided for free, or
 2.2 sold to consumers at retail or food service locations primarily for personal, family, or
 2.3 household use, and includes any container into which goods are dispensed, or placed for
 2.4 carrying, transporting, protection, or immediate consumption.

2.5 (b) Notice shall be sent by mail at least 30 days prior to the hearing to each licensed
 2.6 business that will be directly affected by the ordinance or resolution and shall also be posted
 2.7 at least 30 days prior to the hearing in a conspicuous place in the county offices and, if
 2.8 applicable, on the county Web site. The notice shall: (1) state the time, place, and date of
 2.9 the meeting at which the ordinance is to be considered; (2) describe the subject matter of
 2.10 the proposed ordinance; (3) provide an analysis on the economic impact to the licensed
 2.11 businesses located in the county; and (4) provide an analysis on the economic impact to the
 2.12 county and the state including, but not limited to, an analysis of any reduction in local or
 2.13 state tax revenue.

2.14 (c) The county board shall, during the 30-day notice period, solicit and consider comments
 2.15 submitted by the public on the proposed ordinance or resolution. The governing body shall
 2.16 make all comments available to the public, upon request.

2.17 (d) The notice required by paragraphs (a) and (b) shall not be required if an ordinance
 2.18 or resolution is necessary in response to an emergency, including a natural disaster or state
 2.19 of emergency affecting the locality, or if an independent, third-party analysis determines
 2.20 that the economic impact of the ordinance or resolution on licensed businesses and local or
 2.21 state tax revenue would be less than \$10,000.

2.22 **Sec. 3. [471.343] NOTICE OF PROPOSED ORDINANCES RELATED TO**
 2.23 **MARKETING.**

2.24 Subdivision 1. **Generally.** (a) A statutory or home rule charter city or town shall not
 2.25 adopt or amend any ordinance or resolution that sets standards or requirements regarding
 2.26 the sale, use, or marketing of merchandise to consumers at retail or food service locations
 2.27 that are different from, or in addition to, any requirement established by state law unless
 2.28 the city or town provides notice and receives comments as required under subdivision 2.

2.29 (b) For the purposes of this section, "merchandise" means goods offered for sale, provided
 2.30 for free, or sold to consumers at retail or food service locations primarily for personal,
 2.31 family, or household use, and includes any container into which goods are dispensed, or
 2.32 placed for carrying, transporting, protection, or immediate consumption.

3.1 Subd. 2. **Notice; comment period.** (a) The governing body of a statutory or home rule
3.2 charter city or town shall give 30 days' notice of its intention to hold a hearing on the adoption
3.3 or amendment of any local ordinance or resolution that sets standards or requirements
3.4 regarding the sale, use, or marketing of merchandise to consumers at retail or food service
3.5 locations that are different from, or in addition to, any requirement established by state law.

3.6 (b) Notice shall be sent by mail at least 30 days prior to the hearing to each licensed
3.7 business that will be directly affected by the ordinance or resolution and shall also be posted
3.8 at least 30 days prior to the hearing in a conspicuous place in the city or town hall and, if
3.9 applicable, on the city or town Web site.

3.10 (c) The notice shall: (1) state the time, place, and date of the meeting at which the
3.11 ordinance is to be considered; (2) describe the subject matter of the proposed ordinance;
3.12 (3) provide an analysis on the economic impact to the licensed businesses located in the
3.13 statutory or home rule charter city or town; and (4) provide an analysis on the economic
3.14 impact to the locality and state including, but not limited to, an analysis of any reduction
3.15 in local or state tax revenue.

3.16 (d) The governing body of a statutory or home rule charter city or town shall, during the
3.17 30-day notice period, solicit and consider comments submitted by the public on the proposed
3.18 ordinance or resolution. The governing body shall make all comments available to the public
3.19 upon request.

3.20 Subd. 3. **Notice exception.** The notice required by subdivision 2 shall not be required
3.21 if an ordinance or resolution is necessary in response to an emergency, including a natural
3.22 disaster or state of emergency affecting the locality, or if an independent, third-party analysis
3.23 determines that the economic impact of the ordinance or resolution on licensed businesses
3.24 and local or state tax revenue would be less than \$10,000.