

SESSION LAWS
of the
STATE OF MINNESOTA

ENACTED BY THE SEVENTY-EIGHTH LEGISLATURE

AT THE REGULAR SESSION IN 1994

FEBRUARY 22 TO MAY 6, 1994

CHAPTERS 1 TO 375 APPEAR IN LAWS OF MINNESOTA 1993

CHAPTER 376—H.F.No. 2213

An act relating to the city of St. Cloud; exempting a tax increment financing district from certain restrictions; providing expanded eminent domain authority.

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

Section 1. ECONOMIC DEVELOPMENT.

Subdivision 1. AUTHORIZATION. The St. Cloud housing and redevelopment authority may establish an economic development tax increment financing district under Minnesota Statutes, sections 469.174 to 469.178, for a major distribution facility for a national mail order sales retailer. For purposes of this section, a mail order sales retailer means a firm whose business consists primarily of the selling of tangible personal property and services in response to orders received by United States mail or telephone.

Subd. 2. SPECIAL RULES. (a) The district established under the authority of subdivision 1 is subject to Minnesota Statutes, sections 469.174 to 469.178, except as provided in this subdivision.

(b) Minnesota Statutes, section 273.1399, does not apply.

(c) Notwithstanding Minnesota Statutes, section 469.176, subdivision 1, tax increments from the district may be paid to the authority for up to 25 years from the date of the receipt of the first increment.

(d) Notwithstanding Minnesota Statutes, section 469.176, subdivision 4, the housing and redevelopment authority may agree to pay revenues derived from tax increments from the district to the owner of the distribution facility to be used for any costs related to the facility including the costs of acquiring, constructing, and equipping the facility and financing costs and interest expenses, as reasonably determined by the authority.

(e) Minnesota Statutes, section 469.176, subdivisions 4c and 7, do not apply.

(f) A development agreement entered into for the facility under paragraph (c) is not a contract for construction or purchase of equipment, supplies, or materials under Minnesota Statutes, section 469.015 or 471.345.

(g) The adjustment to original net tax capacity under Minnesota Statutes, section 469.177, subdivision 1, paragraph (f), does not apply.

(h) The tax rate used to determine the amount of revenues from tax increments is the sum of the local tax rates for the taxes payable year, notwithstanding contrary provisions of Minnesota Statutes, section 469.177, subdivisions 1a and 3, limiting increments to the original tax capacity rate.

(i) The county board shall approve, by resolution, (1) the tax increment financing plan, (2) amendments to the tax increment financing plan that require notice and a public hearing under Minnesota Statutes, section 469.175, subdivision 4, and (3) any modifications, whether an amendment to the tax increment financing plan or otherwise, that change the distribution to or sharing of the revenues derived from increments with the county and school district under Minnesota Statutes, section 469.176, subdivision 2 or otherwise. If the county board declines to approve the plan, or an amendment or a modification required to be approved under this paragraph, the action is not effective.

Subd. 3. JOB GUARANTEE. The authority may not establish a tax increment financing district under subdivision 1 unless the authority has entered into a job guarantee agreement with the owner of the facility. This agreement shall utilize procedures under the economic recovery grant program established by the department of trade and economic development. The housing and redevelopment authority shall monitor whether the owner has complied with this requirement, at least annually, for a period not to exceed five years.

Subd. 4. EMINENT DOMAIN. The authority may exercise the power of eminent domain under Minnesota Statutes, chapter 117, with respect to property located adjacent to the district, whether inside or outside of the city or the project area, if the authority determines the property to be necessary to provide access to the facility.

Subd. 5. REPORT TO LEGISLATURE. The housing and redevelopment authority shall make a written report to the chairs of the committee on taxes of the house of representatives and the committee on taxes and tax laws of the sen-

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ate by January 15, 1996 and within 30 days after expiration of the monitoring of the job guarantee agreement under subdivision 3. These written reports must list the number of full-time equivalent employment positions added by the owner of the facility in St. Cloud after construction of the facility. In addition, the reports must indicate whether any of these positions were transferred from other locations in Minnesota.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective upon compliance by the governing body of the city of St. Cloud with Minnesota Statutes, section 645.021, subdivision 2.

Presented to the governor March 18, 1994

Signed by the governor March 22, 1994, 11:43 a.m.

CHAPTER 377—H.F.No. 1863

An act relating to ethics in government; requiring lobbyists to report gifts of \$5 or more; prohibiting gifts by lobbyists and interested persons to certain officials under certain conditions; regulating certain solicitations by political party units; revising procedure for advisory opinions; amending Minnesota Statutes 1992, sections 10A.02, subdivision 12; 10A.04, subdivision 4; and 10A.065, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 10A.065, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 10A; and 471.

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

Section 1. Minnesota Statutes 1992, section 10A.02, subdivision 12, is amended to read:

Subd. 12. **ADVISORY OPINIONS.** (a) The board may issue and publish advisory opinions on the requirements of this chapter based upon real or hypothetical situations. An application for an advisory opinion may be made only by an individual or association who wishes to use the opinion to guide the individual's or the association's own conduct. The board shall issue written opinions on all such questions submitted to it within 30 days after receipt of written application, unless a majority of the board agrees to extend the time limit. ~~Am~~

(b) A written advisory opinion shall lapse the day the regular session of the legislature adjourns in the second year following the date of the opinion: issued by the board is binding on the board in any subsequent board proceeding concerning the person making or covered by the request and is a defense in a judicial proceeding that involves the subject matter of the opinion and is brought against the person making or covered by the request unless:

(1) the board has amended or revoked the opinion before the initiation of the board or judicial proceeding, has notified the person making or covered by the request of its action, and has allowed at least 30 days for the person to do

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