

1.1 A bill for an act
1.2 relating to the Minnesota Sports Facilities Authority; classifying data; providing
1.3 for appointments; modifying duties; restricting the use of stadium space; requiring
1.4 reports; amending Minnesota Statutes 2016, sections 13.55, subdivisions 1, 2;
1.5 43A.38, by adding a subdivision; 340A.404, subdivision 1; 352.01, subdivision
1.6 2a; 473.121, subdivision 5a; 473.164; 473.565, subdivision 1; 473.755, subdivision
1.7 4; 473.763, subdivision 2; 473J.03, by adding a subdivision; 473J.07, subdivisions
1.8 2, 3, 4, 7, 8, 9, by adding a subdivision; 473J.09, subdivision 13, by adding
1.9 subdivisions; 473J.13, subdivision 3; 473J.25, subdivision 3; repealing Minnesota
1.10 Statutes 2016, sections 137.50, subdivision 5; 473.551; 473.552; 473.553,
1.11 subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13; 473.556, subdivisions 1, 2, 3,
1.12 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17; 473.561; 473.564, subdivisions 2, 3;
1.13 473.572; 473.581; 473.592, subdivision 1; 473.595; 473.598; 473.599; 473.76;
1.14 473J.09, subdivision 14.

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

1.16 **ARTICLE 1**

1.17 **MINNESOTA SPORTS FACILITIES AUTHORITY REFORMS**

1.18 Section 1. Minnesota Statutes 2016, section 13.55, subdivision 2, is amended to read:

1.19 Subd. 2. **Public data.** (a) The data made not public by the provisions of subdivision 1
1.20 shall become public upon the occurrence of any of the following:

1.21 ~~(a)~~ (1) five years elapse from the date on which the lease or contract is entered into
1.22 between the facility and the inquiring party or parties or the event which was the subject of
1.23 inquiry occurs at the facility, whichever occurs earlier;

1.24 ~~(b)~~ (2) the event which was the subject of inquiry does not occur; or

1.25 ~~(c)~~ (3) the event which was the subject of inquiry occurs elsewhere.

2.1 (b) Data regarding persons receiving free or discounted admission, tickets, or other gifts
2.2 from publicly owned and operated convention facilities, civic center authorities, or the
2.3 Minnesota Sports Facilities Authority are public data unless the data are subject to the
2.4 provisions of subdivision 1 or 4, paragraph (b).

2.5 Sec. 2. Minnesota Statutes 2016, section 43A.38, is amended by adding a subdivision to
2.6 read:

2.7 Subd. 10. **Publicly owned facilities.** This section applies to the members and employees
2.8 of the public governing bodies responsible for management of publicly owned facilities,
2.9 including sporting facilities, arenas, and performance venues. Personal use of the facility
2.10 or a portion of the facility at no or reduced cost constitutes a "gift" under this section.

2.11 Sec. 3. Minnesota Statutes 2016, section 473J.03, is amended by adding a subdivision to
2.12 read:

2.13 Subd. 13. **Stadium space.** "Stadium space" means a seat, personal seat license, suite,
2.14 club room, parking, or any other part of the stadium or license to access any part of the
2.15 stadium that a member of the general public would have to pay to use or access.

2.16 Sec. 4. Minnesota Statutes 2016, section 473J.07, subdivision 2, is amended to read:

2.17 Subd. 2. **Membership.** (a) The authority shall consist of five members.

2.18 (b) ~~The chair and two~~ Three members shall be appointed by the governor and confirmed
2.19 by the senate. One member appointed by the governor shall serve until December 31 of the
2.20 third year following appointment and one member shall serve until December 31 of the
2.21 fourth year following appointment. Thereafter, members appointed by the governor shall
2.22 serve four-year terms, beginning January 1. Each member serves until a successor is
2.23 appointed and takes office unless removed by the appointing authority for cause. Cause for
2.24 removal includes violation of the employee code of ethics in section 43A.38. The chair
2.25 serves at the pleasure of the governor.

2.26 (c) The mayor of the city shall appoint and the senate shall confirm two members to the
2.27 authority. One member appointed by the mayor of the city shall serve until December 31
2.28 of the third year following appointment and one member shall serve until December 31 of
2.29 the fourth year following appointment. Thereafter, members appointed under this paragraph
2.30 shall serve four-year terms beginning January 1. Each member serves until a successor is
2.31 appointed and takes office unless removed by the appointing authority for cause. Cause for
2.32 removal includes violation of the employee code of ethics in section 43A.38. Members

3.1 appointed under this paragraph may reside within the city and may be appointed officials
3.2 of a political subdivision.

3.3 ~~(d) The initial members of the authority must be appointed not later than June 13, 2012.~~

3.4 **EFFECTIVE DATE.** This section is effective the day following final enactment and
3.5 applies to members appointed after April 1, 2017. If the senate adjourns the 2017 legislative
3.6 session without confirming an appointee appointed after April 1, 2017, that appointee may
3.7 serve until the senate denies confirmation of that appointee.

3.8 Sec. 5. Minnesota Statutes 2016, section 473J.07, subdivision 3, is amended to read:

3.9 Subd. 3. **Compensation.** The authority may compensate its members, ~~other than the~~
3.10 ~~chair,~~ as provided in section 15.0575. The chair shall receive, ~~unless otherwise provided by~~
3.11 ~~other law, a salary in an amount fixed by the authority, no more than half of the salary of~~
3.12 the executive director of the authority and shall be reimbursed for reasonable expenses to
3.13 the same extent as a member.

3.14 Sec. 6. Minnesota Statutes 2016, section 473J.07, subdivision 4, is amended to read:

3.15 Subd. 4. **Chair.** The chair presides at all meetings of the authority, if present, and
3.16 performs all other assigned duties and functions. The members of the authority shall
3.17 biennially elect a chair from among its members. The authority may appoint from among
3.18 its members a vice-chair to act for the chair during the temporary absence or disability of
3.19 the chair, and any other officers the authority determines are necessary or convenient.

3.20 Sec. 7. Minnesota Statutes 2016, section 473J.07, subdivision 7, is amended to read:

3.21 Subd. 7. **Audit.** The legislative auditor shall audit the books and accounts of the authority
3.22 once each year or as often as the legislative auditor's funds and personnel permit. The
3.23 authority shall pay the total cost of the audit pursuant to section 3.9741. The legislative
3.24 auditor may conduct examinations of the authority's finances, budgets, expenditures,
3.25 revenues, and its operation. The legislative auditor may periodically examine the authority's
3.26 use of stadium space by the authority's members, staff, family, friends, charitable
3.27 organizations, and vendors.

3.28 Sec. 8. Minnesota Statutes 2016, section 473J.07, subdivision 8, is amended to read:

3.29 Subd. 8. **Executive director; employees.** The authority may appoint an executive director
3.30 to serve as the chief executive officer of the authority. The executive director serves at the
3.31 pleasure of the authority and receives compensation as determined by the authority but not

4.1 to exceed 115 percent of the governor's salary. The executive director may be responsible
4.2 for the operation, management, and promotion of activities of the authority, as prescribed
4.3 by the authority. The executive director has the powers necessarily incident to the
4.4 performance of duties required and powers granted by the authority, but does not have
4.5 authority to incur liability or make expenditures on behalf of the authority without general
4.6 or specific directions by the authority, as shown by the bylaws or minutes of a meeting of
4.7 the authority. The executive director is responsible for hiring, supervision, and dismissal
4.8 of all other employees of the authority. The authority must conduct an annual employee
4.9 evaluation of the executive director, which must be reviewed and approved by the entire
4.10 board.

4.11 Sec. 9. Minnesota Statutes 2016, section 473J.07, is amended by adding a subdivision to
4.12 read:

4.13 Subd. 8a. **Budget; report.** After adoption, the authority shall submit its annual budget
4.14 to the commissioner of management and budget and to the chairs and ranking minority
4.15 members of the senate finance and house of representatives ways and means committees.

4.16 Sec. 10. Minnesota Statutes 2016, section 473J.07, subdivision 9, is amended to read:

4.17 Subd. 9. **Web site.** The authority shall establish a Web site for purposes of providing
4.18 information to the public concerning all actions taken by the authority. At a minimum, the
4.19 Web site must contain a current version of the authority's bylaws, notices of upcoming
4.20 meetings, minutes of the authority's meetings, each annual budget, each use agreement,
4.21 each management agreement, each sponsorship agreement, meeting minutes for all meetings,
4.22 policies, and procedures, and contact telephone, electronic mail, and facsimile numbers for
4.23 public comments. This subdivision does not apply to information that is classified as not
4.24 public data, as defined in section 13.02, subdivision 8a, under other law.

4.25 Sec. 11. Minnesota Statutes 2016, section 473J.09, subdivision 13, is amended to read:

4.26 Subd. 13. **Legislative report.** The authority must report to the Legislative Commission
4.27 on Minnesota Sports Facilities and the chairs and ranking minority members of the legislative
4.28 committees with jurisdiction over state government finance and to the senate Finance
4.29 Committee and the house of representatives Ways and Means Committee by January 15 of
4.30 each year on the following:

4.31 (1) any recommended increases in the rate or dollar amount of tax;

4.32 (2) any recommended increases in the debt of the authority;

5.1 (3) the overall work and role of the authority;

5.2 (4) the authority's proposed operating and capital budgets; ~~and~~

5.3 (5) the authority's implementation of the operating and capital budgets-, including
5.4 information on actual revenues and expenditures, events conducted, and all expected or
5.5 unexpected maintenance and capital repair needs arising since the time of the last report;
5.6 and

5.7 (6) a listing of all stadium amenities under the control of the authority since the time of
5.8 the last report, and how the amenities were used.

5.9 Sec. 12. Minnesota Statutes 2016, section 473J.09, is amended by adding a subdivision
5.10 to read:

5.11 Subd. 16. Use of stadium space by authority members. Authority members may not
5.12 use stadium space unless the use is for a legitimate business purpose. Legitimate business
5.13 purposes are:

5.14 (1) participating in a marketing effort arranged by the authority's marketing vendor;

5.15 (2) conducting oversight of the operation of the stadium; or

5.16 (3) making stadium space available to nonprofit charitable organizations to provide
5.17 access to events at the stadium for people served by the charitable organization.

5.18 Sec. 13. Minnesota Statutes 2016, section 473J.09, is amended by adding a subdivision
5.19 to read:

5.20 Subd. 17. Use of stadium space by staff members. The executive director may not use
5.21 stadium space unless the use is for a legitimate business purpose and is approved by a vote
5.22 of the authority at a public meeting, and the legitimate business purpose is made a part of
5.23 the public record. Stadium space may not be used by the authority's staff members, other
5.24 than the executive director, unless the use is with the express written assignment of duties
5.25 by the executive director. Staff may not receive free food or beverages and may not receive
5.26 free parking unless necessary to complete the assigned duties.

5.27 Sec. 14. Minnesota Statutes 2016, section 473J.09, is amended by adding a subdivision
5.28 to read:

5.29 Subd. 18. Use of stadium space by family and friends of authority members. The
5.30 authority or its members may not grant access to stadium space to family members or friends
5.31 of the authority's members or staff unless the use is for a legitimate business purpose and

6.1 is approved by a vote of the authority at a public meeting, and the legitimate business purpose
6.2 is made a part of the public record. A legitimate business purpose under this subdivision
6.3 means being a prospective user of the stadium.

6.4 Sec. 15. Minnesota Statutes 2016, section 473J.09, is amended by adding a subdivision
6.5 to read:

6.6 Subd. 19. **Use of stadium space by marketing vendor.** If the authority contracts with
6.7 a vendor for services to market the stadium, the authority may extend to the marketing
6.8 vendor complimentary access to stadium space for the purpose of marketing the stadium to
6.9 prospective users of the stadium, provided the contract requires the vendor to report to the
6.10 authority the following information within 30 days after each event at which the vendor has
6.11 used stadium space:

6.12 (1) the costs of use;

6.13 (2) the identity of each adult attendee and their legitimate business purpose for attendance;

6.14 (3) the date, time, and a general description of the stadium event at which the suite was
6.15 used; and

6.16 (4) the value and description of any food, parking, or other benefits provided to attendees.

6.17 Data that the authority receives under this subdivision is public data unless otherwise
6.18 classified by section 13.55.

6.19 Sec. 16. Minnesota Statutes 2016, section 473J.09, is amended by adding a subdivision
6.20 to read:

6.21 Subd. 21. **Report on stadium space use by authority members, staff, and vendors.**
6.22 The authority shall report the following information annually to the governor, the mayor of
6.23 the city of Minneapolis, the chair of the Legislative Commission on Minnesota Sports
6.24 Facilities, and the chairs and ranking minority members of the senate Finance Committee
6.25 and the house of representatives Ways and Means Committee regarding use of stadium
6.26 space by authority members, staff, family, friends, charitable organizations, and vendors or
6.27 their guests:

6.28 (1) the costs of use;

6.29 (2) the identity of each adult attendee and their legitimate business purpose for attendance;

6.30 (3) the date, time, and a general description of the stadium event at which the suite was
6.31 used; and

7.1 (4) the value and description of any food, parking, or other benefits provided to attendees.

7.2 Sec. 17. Minnesota Statutes 2016, section 473J.09, is amended by adding a subdivision
7.3 to read:

7.4 Subd. 22. **Open market purchase.** This section does not prohibit an authority member,
7.5 staff member, friend, or family member of the authority or staff from attending events,
7.6 renting rooms, or using suites at the stadium for which the person purchased a ticket, rented
7.7 a room, or purchased a suite, on the open market through the same channels for the same
7.8 prices as are available to the public.

7.9 Sec. 18. Minnesota Statutes 2016, section 473J.09, is amended by adding a subdivision
7.10 to read:

7.11 Subd. 23. **Code of conduct.** The authority shall adopt and comply with the latest version
7.12 of the state code of conduct promulgated by Minnesota Management and Budget. For
7.13 purposes of section 43A.38 as applied to the authority, an authority member or an authority
7.14 staff member is an "employee of the executive branch"; use of or preferential access to
7.15 stadium space by an authority member or by authority staff, unless permitted under this
7.16 section, constitutes a "gift" under section 43A.38, subdivision 2; and constitutes "use of
7.17 state property for the employee's private interest" under section 43A.48, subdivision 4.

7.18 Sec. 19. **LEGISLATIVE AUDITOR REVIEW OF MINNESOTA SPORTS**
7.19 **FACILITIES AUTHORITY MANAGEMENT STRUCTURE.**

7.20 The legislative auditor is requested to conduct a review of the management structure of
7.21 the Minnesota Sports Facilities Authority established in Minnesota Statutes, chapter 473J.
7.22 The review is requested to prioritize consideration of the authority's leadership positions,
7.23 including the necessity for the authority to be simultaneously led by a full-time executive
7.24 director and a full-time chair. As appropriate, the review may include recommendations for
7.25 legislation to improve the authority's management structure. The review must be submitted
7.26 to the Legislative Commission on Minnesota Sports Facilities, and the chairs and ranking
7.27 minority members of the legislative committees with jurisdiction over state government
7.28 finance and to the chairs and ranking minority members of the senate Finance Committee
7.29 and the house of representatives Ways and Means Committee, no later than January 15,
7.30 2018.

8.1 Sec. 20. **RECOVERY.**

8.2 The Minnesota Sports Facilities Authority must make every effort to recover the fair
8.3 market value of any food, parking, tickets, and access to stadium suites provided to a person
8.4 prior to January 1, 2017, if the provision of those benefits to the person was not in the public
8.5 interest. The authority shall report on recovery efforts to the commissioner of management
8.6 and budget and to the chairs and ranking minority members of the senate finance and house
8.7 of representatives ways and means committees by May 31, 2017. Money recovered under
8.8 this section is transferred by July 1, 2017, to the commissioner of management and budget
8.9 for deposit in the general reserve account established under Minnesota Statutes, section
8.10 297E.021, subdivision 4.

8.11 Sec. 21. **TEMPORARY TRANSFER OF SUITE FOR USE BY NONPROFIT.**

8.12 The Minnesota Sports Facilities Authority must assign its rights to one stadium suite
8.13 under the Stadium Use Agreement with the NFL team, as defined in Minnesota Statutes,
8.14 section 473J.03, to a nonprofit charitable organization affiliated with and designated by the
8.15 NFL team. This assignment must begin on the effective date of this act and must terminate
8.16 on the day that a plan developed under section 22 for use of the suite is effective.

8.17 Sec. 22. **TRANSFER OF SUITE.**

8.18 The Legislative Commission on Minnesota Sports Facilities shall report to the chairs
8.19 and ranking minority members of the committees in the house of representatives and the
8.20 senate with jurisdiction over finance by February 1, 2018, with recommendations for the
8.21 future use, sale, or transfer of one or both suites in the NFL stadium owned by the Minnesota
8.22 Sports Facilities Authority. The report shall review the potential for an amendment to the
8.23 use agreement with the primary tenant and shall discuss the potential revenue available
8.24 from the sale or lease of one or both suites, and the potential of other means of benefiting
8.25 the public, such as making the suites available for use by charitable organizations. In
8.26 developing its recommendations, the commission shall consult with the legislative auditor,
8.27 the Minnesota Sports Facilities Authority, the primary tenant of the stadium, the stadium
8.28 marketing and management firm engaged by the authority, and the commissioner of
8.29 management and budget. The report shall include any draft legislation necessary to implement
8.30 the recommendations.

8.31 Sec. 23. **REPEALER.**

8.32 Minnesota Statutes 2016, section 473J.09, subdivision 14, is repealed.

9.1 Sec. 24. **EFFECTIVE DATE.**

9.2 This act is effective the day following final enactment. The terms of all current members
9.3 of the Minnesota Sports Facilities Authority terminate May 31, 2017. Appointing authorities
9.4 must appoint new members of the authority by May 10, 2017, to serve terms beginning
9.5 June 1, 2017.

9.6 **ARTICLE 2**

9.7 **METROPOLITAN SPORTS FACILITIES COMMISSION TECHNICAL CHANGES**

9.8 Section 1. Minnesota Statutes 2016, section 13.55, subdivision 1, is amended to read:

9.9 Subdivision 1. **Not public classification.** The following data received, created, or
9.10 maintained by or for publicly owned and operated convention facilities, civic center
9.11 authorities, or the ~~Metropolitan~~ Minnesota Sports Facilities Commission Authority are
9.12 classified as nonpublic data pursuant to section 13.02, subdivision 9; or private data on
9.13 individuals pursuant to section 13.02, subdivision 12:

9.14 (a) a letter or other documentation from any person who makes inquiry to or who is
9.15 contacted by the facility regarding the availability of the facility for staging events;

9.16 (b) identity of firms and corporations which contact the facility;

9.17 (c) type of event which they wish to stage in the facility;

9.18 (d) suggested terms of rentals; and

9.19 (e) responses of authority staff to these inquiries.

9.20 Sec. 2. Minnesota Statutes 2016, section 340A.404, subdivision 1, is amended to read:

9.21 Subdivision 1. **Cities.** (a) A city may issue an on-sale intoxicating liquor license to the
9.22 following establishments located within its jurisdiction:

9.23 (1) hotels;

9.24 (2) restaurants;

9.25 (3) bowling centers;

9.26 (4) clubs or congressionally chartered veterans organizations with the approval of the
9.27 commissioner, provided that the organization has been in existence for at least three years
9.28 and liquor sales will only be to members and bona fide guests, except that a club may permit
9.29 the general public to participate in a wine tasting conducted at the club under section
9.30 340A.419;

10.1 (5) sports facilities, restaurants, clubs, or bars located on land owned or leased by the
10.2 Minnesota Sports Facilities Authority; and

10.3 ~~(6) sports facilities located on land owned by the Metropolitan Sports Commission; and~~

10.4 ~~(7)~~ (6) exclusive liquor stores.

10.5 (b) A city may issue an on-sale intoxicating liquor license, an on-sale wine license, or
10.6 an on-sale malt liquor license to a theater within the city, notwithstanding any law, local
10.7 ordinance, or charter provision. A license issued under this paragraph authorizes sales on
10.8 all days of the week to persons attending events at the theater.

10.9 (c) A city may issue an on-sale intoxicating liquor license, an on-sale wine license, or
10.10 an on-sale malt liquor license to a convention center within the city, notwithstanding any
10.11 law, local ordinance, or charter provision. A license issued under this paragraph authorizes
10.12 sales on all days of the week to persons attending events at the convention center. This
10.13 paragraph does not apply to convention centers located in the seven-county metropolitan
10.14 area.

10.15 (d) A city may issue an on-sale wine license and an on-sale malt liquor license to a
10.16 person who is the owner of a summer collegiate league baseball team, or to a person holding
10.17 a concessions or management contract with the owner, for beverage sales at a ballpark or
10.18 stadium located within the city for the purposes of summer collegiate league baseball games
10.19 at the ballpark or stadium, notwithstanding any law, local ordinance, or charter provision.
10.20 A license issued under this paragraph authorizes sales on all days of the week to persons
10.21 attending baseball games at the ballpark or stadium.

10.22 Sec. 3. Minnesota Statutes 2016, section 352.01, subdivision 2a, is amended to read:

10.23 Subd. 2a. **Included employees.** (a) "State employee" includes:

10.24 (1) employees of the Minnesota Historical Society;

10.25 (2) employees of the State Horticultural Society;

10.26 (3) employees of the Minnesota Crop Improvement Association;

10.27 (4) employees of the adjutant general whose salaries are paid from federal funds and
10.28 who are not covered by any federal civilian employees retirement system;

10.29 (5) employees of the Minnesota State Colleges and Universities who are employed under
10.30 the university or college activities program;

- 11.1 (6) currently contributing employees covered by the system who are temporarily
11.2 employed by the legislature during a legislative session or any currently contributing
11.3 employee employed for any special service as defined in subdivision 2b, clause (6);
- 11.4 (7) employees of the legislature who are appointed without a limit on the duration of
11.5 their employment;
- 11.6 (8) trainees who are employed on a full-time established training program performing
11.7 the duties of the classified position for which they will be eligible to receive immediate
11.8 appointment at the completion of the training period;
- 11.9 (9) employees of the Minnesota Safety Council;
- 11.10 (10) any employees who are on authorized leave of absence from the Transit Operating
11.11 Division of the former Metropolitan Transit Commission and who are employed by the
11.12 labor organization which is the exclusive bargaining agent representing employees of the
11.13 Transit Operating Division;
- 11.14 (11) employees of the Metropolitan Council, Metropolitan Parks and Open Space
11.15 Commission, ~~Metropolitan Sports Facilities Commission~~, or Metropolitan Mosquito Control
11.16 Commission unless excluded under subdivision 2b or are covered by another public pension
11.17 fund or plan under section 473.415, subdivision 3;
- 11.18 (12) judges of the Tax Court;
- 11.19 (13) personnel who were employed on June 30, 1992, by the University of Minnesota
11.20 in the management, operation, or maintenance of its heating plant facilities, whose
11.21 employment transfers to an employer assuming operation of the heating plant facilities, so
11.22 long as the person is employed at the University of Minnesota heating plant by that employer
11.23 or by its successor organization;
- 11.24 (14) personnel who are employed as seasonal employees in the classified or unclassified
11.25 service;
- 11.26 (15) persons who are employed by the Department of Commerce as a peace officer in
11.27 the Commerce Fraud Bureau under section 45.0135 who have attained the mandatory
11.28 retirement age specified in section 43A.34, subdivision 4;
- 11.29 (16) employees of the University of Minnesota unless excluded under subdivision 2b,
11.30 clause (3);
- 11.31 (17) employees of the Middle Management Association whose employment began after
11.32 July 1, 2007, and to whom section 352.029 does not apply;

12.1 (18) employees of the Minnesota Government Engineers Council to whom section
12.2 352.029 does not apply;

12.3 (19) employees of the Minnesota Sports Facilities Authority;

12.4 (20) employees of the Minnesota Association of Professional Employees;

12.5 (21) employees of the Minnesota State Retirement System;

12.6 (22) employees of the State Agricultural Society;

12.7 (23) employees of the Gillette Children's Hospital Board who were employed in the
12.8 state unclassified service at the former Gillette Children's Hospital on March 28, 1974; and

12.9 (24) if approved for coverage by the Board of Directors of Conservation Corps Minnesota,
12.10 employees of Conservation Corps Minnesota so employed on June 30, 2003.

12.11 (b) Employees specified in paragraph (a), clause (13), are included employees under
12.12 paragraph (a) if employer and employee contributions are made in a timely manner in the
12.13 amounts required by section 352.04. Employee contributions must be deducted from salary.
12.14 Employer contributions are the sole obligation of the employer assuming operation of the
12.15 University of Minnesota heating plant facilities or any successor organizations to that
12.16 employer.

12.17 Sec. 4. Minnesota Statutes 2016, section 473.121, subdivision 5a, is amended to read:

12.18 Subd. 5a. **Metropolitan agency.** "Metropolitan agency" means the Metropolitan Parks
12.19 and Open Space Commission; and the Metropolitan Airports Commission; ~~and Metropolitan~~
12.20 ~~Sports Facilities Commission.~~

12.21 Sec. 5. Minnesota Statutes 2016, section 473.164, is amended to read:

12.22 **473.164 SPORTS, AIRPORT COMMISSIONS COMMISSION TO PAY COUNCIL**
12.23 **COSTS.**

12.24 Subdivision 1. **Annually reimburse.** ~~The Metropolitan Sports Facilities Commission~~
12.25 ~~and the Metropolitan Airports Commission~~ shall annually reimburse the council for costs
12.26 incurred by the council in the discharge of its responsibilities relating to the commission.
12.27 The costs may be charged against any revenue sources of the commission as determined
12.28 by the commission.

12.29 Subd. 2. **Estimates, budget, transfer.** On or before May 1 of each year, the council
12.30 shall transmit to ~~each~~ the commission an estimate of the costs which the council will incur
12.31 in the discharge of its responsibilities related to the commission in the next budget year

13.1 including, without limitation, costs in connection with the preparation, review,
13.2 implementation and defense of plans, programs and budgets of the commission. ~~Each~~ The
13.3 commission shall include the estimates in its budget for the next budget year and may
13.4 transmit its comments concerning the estimated amount to the council during the budget
13.5 review process. Prior to December 15 of each year, the amount budgeted by ~~each~~ the
13.6 commission for the next budget year may be changed following approval by the council.
13.7 During each budget year, the commission shall transfer budgeted funds to the council in
13.8 advance when requested by the council.

13.9 Subd. 3. **Final statement.** At the conclusion of each budget year, the council, in
13.10 cooperation with ~~each~~ the commission, shall adopt a final statement of costs incurred by
13.11 the council for ~~each~~ the commission. Where costs incurred in the budget year have exceeded
13.12 the amount budgeted, ~~each~~ the commission shall transfer to the council the additional moneys
13.13 needed to pay the amount of the costs in excess of the amount budgeted, and shall include
13.14 a sum in its next budget. Any excess of budgeted costs over actual costs may be retained
13.15 by the council and applied to the payment of budgeted costs in the next year.

13.16 Sec. 6. Minnesota Statutes 2016, section 473.565, subdivision 1, is amended to read:

13.17 Subdivision 1. **In MSRS; exceptions.** All employees of the former commission shall
13.18 be members of the Minnesota State Retirement System with respect to service rendered on
13.19 or after May 17, 1977, except as provided in this section.

13.20 Sec. 7. Minnesota Statutes 2016, section 473.755, subdivision 4, is amended to read:

13.21 Subd. 4. **Bylaws.** The authority shall adopt bylaws to establish rules of procedure, the
13.22 powers and duties of its officers, and other matters relating to the governance of the authority
13.23 and the exercise of its powers. Except as provided in this section, the bylaws adopted under
13.24 this subdivision shall be similar in form and substance to bylaws adopted by the Metropolitan
13.25 Sports Facilities Commission pursuant to Minnesota Statutes 2012, section 473.553.

13.26 Sec. 8. Minnesota Statutes 2016, section 473.763, subdivision 2, is amended to read:

13.27 Subd. 2. **Acquisition.** Subject to the rules of Major League Baseball, the governor ~~and~~
13.28 ~~the Metropolitan Sports Facilities Commission~~ must attempt to facilitate the formation of
13.29 a corporation to acquire the baseball franchise and to identify an individual private managing
13.30 owner of the corporation. The corporation formed to acquire the franchise shall have a
13.31 capital structure in compliance with all of the following provisions:

14.1 (1) there may be two classes of capital stock: common stock and preferred stock. Both
14.2 classes of stock must give holders voting rights with respect to any relocation or voluntary
14.3 contraction of the franchise;

14.4 (2) the private managing owner must own no less than 25 percent and no more than 35
14.5 percent of the common stock. For purposes of this restriction, shares of common stock
14.6 owned by the private managing owner include shares of common stock owned by any related
14.7 taxpayer as defined in section 1313(c) of the Internal Revenue Code of 1986, as amended.
14.8 Other than the rights of all other holders of common stock and preferred stock with respect
14.9 to relocation or voluntary contraction of the franchise, the private managing owner must
14.10 control all aspects of the operation of the corporation;

14.11 (3) other than the private managing owner, no individual or entity may own more than
14.12 five percent of the common stock of the corporation;

14.13 (4) at least 50 percent of the ownership of the common stock must be sold to members
14.14 of the general public in a general solicitation and a person or entity must not own more than
14.15 one percent of common stock of the corporation; and

14.16 (5) the articles of incorporation, bylaws, and other governing documents must provide
14.17 that the franchise may not move outside of the state or agree to voluntary contraction without
14.18 approval of at least 75 percent of the shares of common stock and at least 75 percent of the
14.19 shares of preferred stock. Notwithstanding any law to the contrary, these 75 percent approval
14.20 requirements shall not be amended by the shareholders or by any other means.

14.21 Except as specifically provided by Laws 2006, chapter 257, no state agency may spend
14.22 money from any state fund for the purpose of generating revenue under this subdivision or
14.23 for the purpose of providing operating support or defraying operating losses of a professional
14.24 baseball franchise.

14.25 Sec. 9. Minnesota Statutes 2016, section 473J.13, subdivision 3, is amended to read:

14.26 Subd. 3. **Public access.** The authority will work to maximize access for public and
14.27 amateur sports, community, and civic events, and other public events in type and on terms
14.28 consistent with those ~~currently~~ held at the ~~existing~~ football stadium, as defined in Minnesota
14.29 Statutes 2012, section 473.551, subdivision 9. The authority may provide that these events
14.30 have exclusive use of the premises at agreed-upon times subject to the scheduling rights of
14.31 the NFL team under the lease or use agreement.

15.1 Sec. 10. Minnesota Statutes 2016, section 473J.25, subdivision 3, is amended to read:

15.2 Subd. 3. **Metropolitan Sports Facilities Commission abolished; interim powers**
15.3 **conferred on authority.** Upon transfer to the authority of all remaining assets, liabilities,
15.4 and obligations of the Metropolitan Sports Facilities Commission, in subdivision 2, the
15.5 Metropolitan Sports Facilities Commission is abolished. When the remaining assets,
15.6 liabilities, and obligations of the Metropolitan Sports Facilities Commission have been
15.7 transferred to the authority and the commission has been abolished, the powers and duties
15.8 of the commission under Minnesota Statutes 2012, sections 473.551 to 473.599, and any
15.9 other law shall devolve upon the authority, in addition to the powers and duties of the
15.10 authority under chapter 473J, until the first NFL home game is played at the stadium.

15.11 Sec. 11. **REPEALER.**

15.12 Minnesota Statutes 2016, sections 137.50, subdivision 5; 473.551; 473.552; 473.553,
15.13 subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13; 473.556, subdivisions 1, 2, 3, 4, 5,
15.14 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, and 17; 473.561; 473.564, subdivisions 2 and 3; 473.572;
15.15 473.581; 473.592, subdivision 1; 473.595; 473.598; 473.599; and 473.76, are repealed.

15.16 Sec. 12. **EFFECTIVE DATE.**

15.17 Sections 1 to 11 are effective June 30, 2017.