

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 2391**

(SENATE AUTHORS: ROSEN, Senjem and Bakk)

| DATE | D-PG | OFFICIAL STATUS |
|------------|-------|--|
| 03/12/2012 | 4317 | Introduction and first reading Referred to Local Government and Elections |
| 04/23/2012 | 6004a | Comm report: Amended Comm report: No recommendation, re-referred to Jobs and Economic Growth Joint rule 2.03, referred to Rules and Administration |
| | 6101 | Rules suspended Jt. rule 2.03 Comm report: Adopt previous comm report |
| 04/24/2012 | 6203a | Comm report: Amended Comm report: No recommendation, re-referred to Finance |
| 04/25/2012 | 6490a | Comm report: Amended Comm report: No recommendation, re-referred to Taxes |
| 05/07/2012 | 7000a | Comm report: Amended Comm report: No recommendation |
| | 7008 | Second reading |
| 05/08/2012 | 7156a | Special Order: Amended |
| | 7372 | Third reading Passed |
| | 7373 | Motion did not prevail To reconsider Laid on table |

A bill for an act

1.1 relating to stadiums; providing for a new National Football League stadium in
1.2 Minnesota; establishing a Minnesota Sports Facilities Authority; authorizing
1.3 the sale and issuance of state appropriation bonds; abolishing the Metropolitan
1.4 Sports Facilities Commission; providing for use of certain local tax revenue;
1.5 providing for electronic pull-tab games and electronic linked bingo games;
1.6 providing for the conditional imposition of certain taxes and collection of other
1.7 revenues; modifying certain rates of tax on lawful gambling; appropriating
1.8 money; amending Minnesota Statutes 2010, sections 3.971, subdivision 6;
1.9 3.9741, by adding a subdivision; 13.55, subdivision 1; 297A.66, by adding a
1.10 subdivision; 297E.01, subdivisions 7, 8, 9; 297E.02, subdivisions 1, 3, 6, 7, 10,
1.11 11, by adding a subdivision; 297E.13, subdivision 5; 349.12, subdivisions 3b,
1.12 3c, 5, 6a, 12a, 18, 25, 25b, 25c, 25d, 29, 31, 32, by adding subdivisions; 349.13;
1.13 349.151, subdivisions 4b, 4c, by adding a subdivision; 349.155, subdivisions 3,
1.14 4; 349.161, subdivisions 1, 5; 349.162, subdivision 5; 349.163, subdivisions 1, 5,
1.15 6; 349.1635, subdivisions 2, 3, by adding a subdivision; 349.165, subdivision
1.16 2; 349.17, subdivisions 6, 7, 8, by adding a subdivision; 349.1721; 349.18,
1.17 subdivision 1; 349.19, subdivisions 2, 3, 5, 10; 349.211, subdivision 1a; 352.01,
1.18 subdivision 2a; 473.121, subdivision 5a; 473.164; 473.565, subdivision 1;
1.19 Minnesota Statutes 2011 Supplement, section 10A.01, subdivision 35; Laws
1.20 1986, chapter 396, sections 4, as amended; 5, as amended; proposing coding for
1.21 new law in Minnesota Statutes, chapters 16A; 297A; proposing coding for new
1.22 law as Minnesota Statutes, chapter 473J; repealing Minnesota Statutes 2010,
1.23 sections 297E.02, subdivision 4; 349.15, subdivision 3; 349.19, subdivision
1.24 2a; 473.551; 473.552; 473.553, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
1.25 13; 473.556, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17;
1.26 473.561; 473.564, subdivisions 2, 3; 473.572; 473.581; 473.592, subdivision 1;
1.27 473.595; 473.598; 473.599; 473.76.

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

ARTICLE 1

MINNESOTA SPORTS FACILITIES AUTHORITY

1.32 Section 1. Minnesota Statutes 2010, section 3.971, subdivision 6, is amended to read:

2.1 Subd. 6. **Financial audits.** The legislative auditor shall audit the financial
2.2 statements of the state of Minnesota required by section 16A.50 and, as resources permit,
2.3 shall audit Minnesota State Colleges and Universities, the University of Minnesota,
2.4 state agencies, departments, boards, commissions, courts, and other state organizations
2.5 subject to audit by the legislative auditor, including the State Agricultural Society,
2.6 Agricultural Utilization Research Institute, Enterprise Minnesota, Inc., Minnesota
2.7 Historical Society, Labor Interpretive Center, Minnesota Partnership for Action Against
2.8 Tobacco, Metropolitan Sports Facilities Commission, Minnesota Sports Facilities
2.9 Authority, Metropolitan Airports Commission, and Metropolitan Mosquito Control
2.10 District. Financial audits must be conducted according to generally accepted government
2.11 auditing standards. The legislative auditor shall see that all provisions of law respecting
2.12 the appropriate and economic use of public funds are complied with and may, as part of a
2.13 financial audit or separately, investigate allegations of noncompliance.

2.14 Sec. 2. Minnesota Statutes 2010, section 3.9741, is amended by adding a subdivision
2.15 to read:

2.16 Subd. 4. **Minnesota Sports Facilities Authority.** Upon the audit of the financial
2.17 accounts and affairs of the Minnesota Sports Facilities Authority, the authority is liable
2.18 to the state for the total cost and expenses of the audit, including the salaries paid to the
2.19 examiners while actually engaged in making the examination. The legislative auditor may
2.20 bill the authority either monthly or at the completion of the audit. All collections received
2.21 for the audits must be deposited in the general fund.

2.22 Sec. 3. Minnesota Statutes 2011 Supplement, section 10A.01, subdivision 35, is
2.23 amended to read:

2.24 Subd. 35. **Public official.** "Public official" means any:

2.25 (1) member of the legislature;

2.26 (2) individual employed by the legislature as secretary of the senate, legislative
2.27 auditor, chief clerk of the house of representatives, revisor of statutes, or researcher,
2.28 legislative analyst, or attorney in the Office of Senate Counsel and Research or House
2.29 Research;

2.30 (3) constitutional officer in the executive branch and the officer's chief administrative
2.31 deputy;

2.32 (4) solicitor general or deputy, assistant, or special assistant attorney general;

S.F. No. 2391, 4th Engrossment - 87th Legislative Session (2011-2012) [S2391-4]

3.1 (5) commissioner, deputy commissioner, or assistant commissioner of any state
3.2 department or agency as listed in section 15.01 or 15.06, or the state chief information
3.3 officer;

3.4 (6) member, chief administrative officer, or deputy chief administrative officer of a
3.5 state board or commission that has either the power to adopt, amend, or repeal rules under
3.6 chapter 14, or the power to adjudicate contested cases or appeals under chapter 14;

3.7 (7) individual employed in the executive branch who is authorized to adopt, amend,
3.8 or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;

3.9 (8) executive director of the State Board of Investment;

3.10 (9) deputy of any official listed in clauses (7) and (8);

3.11 (10) judge of the Workers' Compensation Court of Appeals;

3.12 (11) administrative law judge or compensation judge in the State Office of
3.13 Administrative Hearings or unemployment law judge in the Department of Employment
3.14 and Economic Development;

3.15 (12) member, regional administrator, division director, general counsel, or operations
3.16 manager of the Metropolitan Council;

3.17 (13) member or chief administrator of a metropolitan agency;

3.18 (14) director of the Division of Alcohol and Gambling Enforcement in the
3.19 Department of Public Safety;

3.20 (15) member or executive director of the Higher Education Facilities Authority;

3.21 (16) member of the board of directors or president of Enterprise Minnesota, Inc.;

3.22 (17) member of the board of directors or executive director of the Minnesota State
3.23 High School League;

3.24 (18) member of the Minnesota Ballpark Authority established in section 473.755;

3.25 (19) citizen member of the Legislative-Citizen Commission on Minnesota Resources;

3.26 (20) manager of a watershed district, or member of a watershed management
3.27 organization as defined under section 103B.205, subdivision 13;

3.28 (21) supervisor of a soil and water conservation district;

3.29 (22) director of Explore Minnesota Tourism;

3.30 (23) citizen member of the Lessard-Sams Outdoor Heritage Council established in
3.31 section 97A.056; ~~or~~

3.32 (24) ~~a~~ citizen member of the Clean Water Council established in section 114D.30; or

3.33 (25) member or chief executive of the Minnesota Sports Facilities Authority
3.34 established in section 473J.07.

3.35 Sec. 4. Minnesota Statutes 2010, section 352.01, subdivision 2a, is amended to read:

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

4.2 (1) employees of the Minnesota Historical Society;

4.3 (2) employees of the State Horticultural Society;

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

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

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

4.9 (6) currently contributing employees covered by the system who are temporarily
4.10 employed by the legislature during a legislative session or any currently contributing
4.11 employee employed for any special service as defined in subdivision 2b, clause (8);

4.12 (7) employees of the legislature who are appointed without a limit on the duration
4.13 of their employment and persons employed or designated by the legislature or by a
4.14 legislative committee or commission or other competent authority to conduct a special
4.15 inquiry, investigation, examination, or installation;

4.16 (8) trainees who are employed on a full-time established training program
4.17 performing the duties of the classified position for which they will be eligible to receive
4.18 immediate appointment at the completion of the training period;

4.19 (9) employees of the Minnesota Safety Council;

4.20 (10) any employees who are on authorized leave of absence from the Transit
4.21 Operating Division of the former Metropolitan Transit Commission and who are employed
4.22 by the labor organization which is the exclusive bargaining agent representing employees
4.23 of the Transit Operating Division;

4.24 (11) employees of the Metropolitan Council, Metropolitan Parks and Open Space
4.25 Commission, Metropolitan Sports Facilities Commission, or Metropolitan Mosquito
4.26 Control Commission unless excluded under subdivision 2b or are covered by another
4.27 public pension fund or plan under section 473.415, subdivision 3;

4.28 (12) judges of the Tax Court;

4.29 (13) personnel who were employed on June 30, 1992, by the University of
4.30 Minnesota in the management, operation, or maintenance of its heating plant facilities,
4.31 whose employment transfers to an employer assuming operation of the heating plant
4.32 facilities, so long as the person is employed at the University of Minnesota heating plant
4.33 by that employer or by its successor organization;

4.34 (14) personnel who are employed as seasonal employees in the classified or
4.35 unclassified service;

5.1 (15) persons who are employed by the Department of Commerce as a peace officer
5.2 in the Insurance Fraud Prevention Division under section 45.0135 who have attained the
5.3 mandatory retirement age specified in section 43A.34, subdivision 4;

5.4 (16) employees of the University of Minnesota unless excluded under subdivision
5.5 2b, clause (3);

5.6 (17) employees of the Middle Management Association whose employment began
5.7 after July 1, 2007, and to whom section 352.029 does not apply; ~~and~~

5.8 (18) employees of the Minnesota Government Engineers Council to whom section
5.9 352.029 does not apply; ~~and~~

5.10 (19) employees of the Minnesota Sports Facilities Authority.

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

5.17 **Sec. 5. [473J.01] PURPOSE.**

5.18 The purpose of this chapter is to provide for the construction, financing, and
5.19 long-term use of a stadium and related stadium infrastructure as a venue for professional
5.20 football and a broad range of other civic, community, athletic, educational, cultural,
5.21 and commercial activities. The legislature finds and declares that the expenditure of
5.22 public money for this purpose is necessary and serves a public purpose, and that property
5.23 acquired by the Minnesota Sports Facilities Authority for the construction of the stadium
5.24 and related stadium infrastructure is acquired for a public use or public purpose under
5.25 chapter 117. The legislature further finds and declares that any provision in a lease or use
5.26 agreement with a professional football team that requires the team to play all of its home
5.27 games in a publicly funded stadium for the duration of the lease or use agreement, serves
5.28 a unique public purpose for which the remedies of specific performance and injunctive
5.29 relief are essential to its enforcement. The legislature further finds and declares that
5.30 government assistance to facilitate the presence of professional football provides to the
5.31 state of Minnesota and its citizens highly valued intangible benefits that are virtually
5.32 impossible to quantify and, therefore, not recoverable even if the government receives
5.33 monetary damages in the event of a team's breach of contract. Minnesota courts are,
5.34 therefore, charged with protecting those benefits through the use of specific performance
5.35 and injunctive relief as provided in this chapter and in the lease and use agreements.

6.1 Sec. 6. [473J.03] DEFINITIONS.

6.2 Subdivision 1. **Application.** For the purposes of this chapter, the terms defined in
6.3 this section have the meanings given them, except as otherwise expressly provided or
6.4 indicated by the context.

6.5 Subd. 2. **Annual adjustment factor.** "Annual adjustment factor" means the annual
6.6 adjustment factor under section 297A.994, subdivision 4, paragraph (b).

6.7 Subd. 3. **Authority.** "Authority" means the Minnesota Sports Facilities Authority
6.8 established under section 473J.07.

6.9 Subd. 4. **City.** "City" means the city of Minneapolis.

6.10 Subd. 5. **Net actual taxes.** "Net actual taxes" means the amount of revenues
6.11 collected from the taxes in that year minus any refunds and costs of collection.

6.12 Subd. 6. **NFL.** The "NFL" means the National Football League.

6.13 Subd. 7. **NFL team.** "NFL team" means the owner and operator of the NFL
6.14 professional football team known, as of the effective date of this chapter, as the Minnesota
6.15 Vikings or any team owned and operated by someone who purchases or otherwise takes
6.16 ownership or control of or reconstitutes the NFL team known as the Minnesota Vikings.

6.17 Subd. 8. **Stadium.** "Stadium" means the stadium suitable for professional football
6.18 to be designed, constructed, and financed under this chapter. A stadium must have a roof
6.19 that covers the stadium, as set forth in section 473J.11, subdivision 3.

6.20 Subd. 9. **Stadium costs.** "Stadium costs" means the costs of acquiring land, the
6.21 costs of stadium infrastructure, and of designing, constructing, equipping, and financing a
6.22 stadium suitable for professional football.

6.23 Subd. 10. **Stadium infrastructure.** "Stadium infrastructure" means plazas, parking
6.24 structures, rights of way, connectors, skyways and tunnels, and other such property,
6.25 facilities, and improvements, owned by the authority or determined by the authority to
6.26 facilitate the use and development of the stadium.

6.27 Subd. 11. **Stadium plaza.** "Stadium plaza" means the open air portion of the
6.28 stadium adjacent to the stadium.

6.29 Subd. 12. **Stadium site.** "Stadium site" means all or portions of the current site of
6.30 the existing football stadium and adjacent areas, bounded generally by Park and Eleventh
6.31 Avenues and Third and Sixth Streets in the city of Minneapolis, the definitive boundaries
6.32 of which shall be determined by the authority and agreed to by the NFL team.

6.33 Sec. 7. [473J.07] MINNESOTA SPORTS FACILITIES AUTHORITY.

7.1 Subdivision 1. **Established.** The Minnesota Sports Facilities Authority is
7.2 established as a public body, corporate and politic, and political subdivision of the state.
7.3 The authority is not a joint powers entity or an agency or instrumentality of the city.

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

7.5 (b) The chair and two members shall be appointed by the governor. One member
7.6 appointed by the governor shall serve until December 31 of the third year following
7.7 appointment and one member shall serve until December 31 of the fourth year following
7.8 appointment. Thereafter, members appointed by the governor shall serve four-year terms,
7.9 beginning January 1. Each member serves until a successor is appointed and takes office.
7.10 The chair serves at the pleasure of the governor.

7.11 (c) The mayor of the city shall appoint two members to the authority. One member
7.12 appointed by the mayor of the city shall serve until December 31 of the third year
7.13 following appointment and one member shall serve until December 31 of the fourth year
7.14 following appointment. Thereafter, members appointed under this paragraph shall serve
7.15 four-year terms beginning January 1. Each member serves until a successor is appointed
7.16 and takes office. Members appointed under this paragraph may reside within the city and
7.17 may be appointed officials of a political subdivision.

7.18 (d) The initial members of the authority must be appointed not later than 30 days
7.19 after the date of enactment of this chapter.

7.20 Subd. 3. **Compensation.** The authority may compensate its members, other than the
7.21 chair, as provided in section 15.0575. The chair shall receive, unless otherwise provided
7.22 by other law, a salary in an amount fixed by the authority, and shall be reimbursed for
7.23 reasonable expenses to the same extent as a member.

7.24 Subd. 4. **Chair.** The chair presides at all meetings of the authority, if present, and
7.25 performs all other assigned duties and functions. The authority may appoint from among
7.26 its members a vice-chair to act for the chair during the temporary absence or disability of
7.27 the chair, and any other officers the authority determines are necessary or convenient.

7.28 Subd. 5. **Removal.** A member, other than the chair, may be removed by the
7.29 appointing authority only for misfeasance, malfeasance, or nonfeasance in office, upon
7.30 written charges, and after an opportunity to be heard in defense of the charges.

7.31 Subd. 6. **Bylaws.** The authority shall adopt bylaws to establish rules of procedure,
7.32 the powers and duties of its officers, and other matters relating to the governance of the
7.33 authority and the exercise of its powers. Except as provided in this section, the bylaws
7.34 adopted under this subdivision must be similar in form and substance to bylaws adopted
7.35 by the Minnesota Ballpark Authority pursuant to section 473.755.

8.1 Subd. 7. **Audit.** The legislative auditor shall audit the books and accounts of the
8.2 authority once each year or as often as the legislative auditor's funds and personnel permit.
8.3 The authority shall pay the total cost of the audit pursuant to section 3.9741.

8.4 Subd. 8. **Executive director; employees.** The authority may appoint an executive
8.5 director to serve as the chief executive officer of the authority. The executive director
8.6 serves at the pleasure of the authority and receives compensation as determined by the
8.7 authority. The executive director may be responsible for the operation, management, and
8.8 promotion of activities of the authority, as prescribed by the authority. The executive
8.9 director has the powers necessarily incident to the performance of duties required and
8.10 powers granted by the authority, but does not have authority to incur liability or make
8.11 expenditures on behalf of the authority without general or specific directions by the
8.12 authority, as shown by the bylaws or minutes of a meeting of the authority. The executive
8.13 director is responsible for hiring, supervision, and dismissal of all other employees of
8.14 the authority.

8.15 Subd. 9. **Web site.** The authority shall establish a Web site for purposes of providing
8.16 information to the public concerning all actions taken by the authority. At a minimum, the
8.17 Web site must contain a current version of the authority's bylaws, notices of upcoming
8.18 meetings, minutes of the authority's meetings, and contact telephone, electronic mail, and
8.19 facsimile numbers for public comments.

8.20 Subd. 10. **Quorum; approvals.** Any three members shall constitute a quorum for
8.21 the conduct of business and action may be taken upon the vote of a majority of members
8.22 present at a meeting duly called and held. During the design and construction stages of the
8.23 stadium, a four-fifths vote of the authority is required for authority decisions related to
8.24 zoning, land use, exterior design of the stadium, related parking, the plaza area, and the
8.25 selection of the authority's lead representative during design and construction.

8.26 Sec. 8. **[473J.075] SPORTS FACILITIES OF THE AUTHORITY.**

8.27 Subdivision 1. **General.** This section describes the sports facilities that the
8.28 Minnesota Sports Facilities Authority controls, operates, and has responsibility over
8.29 pursuant to this chapter and as directed by law.

8.30 Subd. 2. **Sports facilities.** (a) The following sports facilities are part of the
8.31 Minnesota Sports Facilities Authority:

8.32 (1) the professional football stadium constructed under this chapter; and

8.33 (2) any other sports facility constructed or acquired by the authority.

9.1 (b) The Target Center in Minneapolis, Xcel Energy Center in St. Paul, and Target
9.2 Field in Minneapolis may join the facilities of the authority upon satisfaction of the
9.3 following factors and upon the approval of the authority:

9.4 (1) the governing body of the facility must make the request to the authority to
9.5 become a sports facility under this section;

9.6 (2) the governing body and the authority must negotiate an agreement with respect to
9.7 the transfer of all obligations and responsibilities, including, but not limited to, outstanding
9.8 debt, revenue sources, finance, funding, operations, equipment, repair and replacements,
9.9 capital improvements, reserves, contracts, and agreements;

9.10 (3) the governing body and the professional sports team who is the primary user of
9.11 the facility must make a joint recommendation to the authority;

9.12 (4) the authority must find that the inclusion of a facility under the authority will not
9.13 have a negative impact on the authority, the general fund, or become an obligation of the
9.14 state of Minnesota; and

9.15 (5) any other information or requirements requested by the authority.

9.16 **Sec. 9. [473J.09] POWERS, DUTIES OF THE AUTHORITY.**

9.17 Subdivision 1. **Actions.** The authority may sue and be sued. The authority is a public
9.18 body and the stadium and stadium infrastructure are public improvements within the
9.19 meaning of chapter 562. The authority is a municipality within the meaning of chapter 466.

9.20 Subd. 2. **Acquisition of property.** The authority may acquire from any public or
9.21 private entity by lease, purchase, gift, or devise all necessary right, title, and interest in
9.22 and to real property, air rights, and personal property deemed necessary to the purposes
9.23 contemplated by this chapter. The authority may acquire, by the exercise of condemnation
9.24 powers under chapter 117, land, other real property, air rights, personal property, and other
9.25 right, title, and interest in property, within the stadium site and stadium infrastructure.

9.26 Subd. 3. **Disposition of property.** The authority may sell, lease, or otherwise
9.27 dispose of any real or personal property acquired by the authority that is no longer required
9.28 for accomplishment of the authority's purposes. The property may be sold in accordance
9.29 with the procedures provided by section 469.065, except subdivisions 6 and 7, to the
9.30 extent the authority deems it to be practical and consistent with this chapter. Title to the
9.31 stadium must not be transferred or sold by the authority prior to the effective date of
9.32 enactment of any legislation approving such transfer or sale.

9.33 Subd. 4. **Data practices; open meetings.** Except as otherwise provided in this
9.34 chapter, the authority is subject to chapters 13 and 13D.

10.1 Subd. 5. **Facility operation.** The authority may develop, construct, equip, improve,
10.2 own, operate, manage, maintain, finance, and control the stadium, stadium infrastructure,
10.3 and related facilities constructed or acquired under this chapter, or may delegate such
10.4 duties through an agreement, subject to the rights and obligations transferred to and
10.5 assumed by the authority, the NFL team, other user, third-party manager, or program
10.6 manager, under the terms of a lease, use agreement, or development agreement.

10.7 Subd. 6. **Employees; contracts for services.** The authority may employ persons
10.8 and contract for services necessary to carry out its functions, including the utilization of
10.9 employees and consultants retained by other governmental entities. The authority shall
10.10 enter into an agreement with the city regarding traffic control for the stadium.

10.11 Subd. 7. **Gifts, grants, loans.** The authority may accept monetary contributions,
10.12 property, services, and grants or loans of money or other property from the United States,
10.13 the state, any subdivision of the state, any agency of those entities, or any person for any
10.14 of its purposes, and may enter into any agreement required in connection with the gifts,
10.15 grants, or loans. The authority shall hold, use, and dispose of the money, property, or
10.16 services according to the terms of the monetary contributions, grant, loan, or agreement.

10.17 Subd. 8. **Use agreements.** The authority may lease, license, or enter into use
10.18 agreements and may fix, alter, charge, and collect rents, fees, and charges for the use,
10.19 occupation, and availability of part or all of any premises, property, or facilities under
10.20 its ownership, operation, or control for purposes that will provide athletic, educational,
10.21 cultural, commercial, or other entertainment, instruction, or activity for the citizens of
10.22 Minnesota and visitors. The use agreements may provide that the other contracting party
10.23 has exclusive use of the premises at the times agreed upon, as well as the right to retain
10.24 some or all revenues from ticket sales, suite licenses, concessions, advertising, naming
10.25 rights, NFL team designated broadcast/media, club seats, signage, and other revenues
10.26 derived from the stadium. The lease or use agreement with an NFL team must provide for
10.27 the payment by the NFL team of an agreed-upon portion of operating and maintenance
10.28 costs and expenses and provide other terms in which the authority and NFL team agree. In
10.29 no case may a lease or use agreement permit smoking in the stadium.

10.30 Subd. 9. **Research.** The authority may conduct research studies and programs;
10.31 collect and analyze data; prepare reports, maps, charts, and tables; and conduct all
10.32 necessary hearings and investigations in connection with its functions.

10.33 Subd. 10. **Insurance.** The authority may require any employee to obtain and file
10.34 with the authority an individual bond or fidelity insurance policy. The authority may
10.35 procure insurance in the amounts the authority considers necessary against liability of the
10.36 authority or its officers and employees for personal injury or death and property damage or

11.1 destruction, consistent with chapter 466, and against risks of damage to or destruction of
11.2 any of its facilities, equipment, or other property.

11.3 Subd. 11. **Exemption from Metropolitan Council review; Business Subsidy Act.**

11.4 The acquisition and betterment of a stadium and stadium infrastructure by the authority
11.5 must be conducted pursuant to this chapter and are not subject to sections 473.165 and
11.6 473.173. Section 116J.994 does not apply to any transactions of the authority or other
11.7 governmental entity related to the stadium or stadium infrastructure or to any tenant or
11.8 other users of the stadium or stadium infrastructure.

11.9 Subd. 12. **Incidental powers.** In addition to the powers expressly granted in this
11.10 chapter, the authority has all powers necessary or incidental thereto.

11.11 Subd. 13. **Legislative report.** The authority must report to the legislature by
11.12 January 15 of each year on the following:

11.13 (a) any recommended increases in the rate or dollar amount of tax;

11.14 (b) any recommended increases in the debt of the authority;

11.15 (c) the overall work and role of the authority;

11.16 (d) the authority's proposed operating and capital budgets; and

11.17 (e) the authority's implementation of the operating and capital budgets.

11.18 Sec. 10. **[473J.10] LOCATION.**

11.19 The stadium to be constructed under this chapter shall be located at the stadium
11.20 site in the city of Minneapolis.

11.21 Sec. 11. **[473J.11] STADIUM DESIGN AND CONSTRUCTION.**

11.22 Subdivision 1. **Contracts.** (a) The design, development, and construction of the
11.23 stadium shall be a collaborative process between the authority and the NFL team. The
11.24 authority and the NFL team shall establish a process to reach consensus on key elements
11.25 of the stadium program and design, development, and construction.

11.26 (b) Unless the authority and the NFL team agree otherwise:

11.27 (1) the authority shall create a stadium design and construction group, including
11.28 representatives of the authority and the NFL team, to manage the design of the stadium
11.29 and oversee construction;

11.30 (2) this group shall engage an owner's representative to act on behalf of the group.
11.31 The cost of the owner's representative shall be a stadium cost; and

11.32 (3) the authority and the NFL team shall enter into a development administration
11.33 agreement providing for rights and responsibilities of the authority and the NFL team, the
11.34 design and construction group, and the owner's representative for design and construction

12.1 of the stadium, including, but not limited to, establishment of minimum design standards.
12.2 This development administration agreement shall provide for binding arbitration in
12.3 the event that the authority and the NFL team are unable to agree on minimum design
12.4 standards or other material aspects of the design.

12.5 (c) The authority may enter into an agreement with the NFL team and any other
12.6 entity relating to the design, construction, financing, operation, maintenance, and use of
12.7 the stadium and related facilities and stadium infrastructure if in doing so, the tax-exempt
12.8 status of the bonds is not affected. The authority may contract for materials, supplies, and
12.9 equipment in accordance with section 471.345, except that the authority may employ or
12.10 contract with persons, firms, or corporations to perform one or more or all of the functions
12.11 of architect, engineer, construction manager, or program manager with respect to all or any
12.12 part of the design, construction, financing, operation, maintenance, and use of the stadium
12.13 and stadium infrastructure under the traditional separate design and build, integrated
12.14 design-build, construction manager at risk, or public/private partnership (P3) structures, or
12.15 a combination thereof if in doing so, the tax-exempt status of the bonds is not affected.

12.16 (d) The authority and the NFL team shall prepare a request for proposals for one or
12.17 more of the functions described in paragraph (c). The request must be published in the
12.18 State Register and shall include, at a minimum, such requirements that are agreed to by
12.19 the authority and the NFL team. The authority and the NFL team may prequalify offerors
12.20 by issuing a request for qualifications, in advance of the request for proposals, and select a
12.21 short list of responsible offerors prior to discussions and evaluations.

12.22 (e) As provided in the request for proposals, the authority, and the NFL team, may
12.23 conduct discussions and negotiations with responsible offerors in order to determine
12.24 which proposal is most advantageous to the authority and the NFL team and to negotiate
12.25 the terms of an agreement. In conducting discussions, there shall be no disclosure of any
12.26 information derived from proposals submitted by competing offerors and the content of all
12.27 proposals is nonpublic data under chapter 13 until such time as a notice to award a contract
12.28 is given by the authority. The agreement shall be subject to the approval of the NFL team.

12.29 (f) Prior to the time the authority enters into a construction contract with a
12.30 construction manager or program manager certifying a maximum price and a completion
12.31 date as provided in paragraph (h), at the request of the NFL team, the authority may
12.32 authorize, such authorization not to be unreasonably withheld or delayed, the NFL team
12.33 to provide for management of the construction of the stadium and related stadium
12.34 infrastructure, in which event the NFL team must assume the role and responsibilities
12.35 of the authority for completion of construction in a manner consistent with the agreed

13.1 minimum design standards and design documents, subject to the terms of this act,
13.2 including responsibility for cost overruns.

13.3 (g) The construction manager or program manager may enter into contracts with
13.4 contractors for labor, materials, supplies, and equipment for the construction of the
13.5 stadium and related stadium infrastructure through the process of public bidding, except
13.6 that the construction manager or program manager may, with the consent of the authority
13.7 or the NFL team if the NFL team has assumed responsibility for construction:

13.8 (1) narrow the listing of eligible bidders to those which the construction manager
13.9 or program manager determines to possess sufficient expertise to perform the intended
13.10 functions;

13.11 (2) award contracts to the contractors that the construction manager or program
13.12 manager determines provide the best value under a request for proposals as described in
13.13 section 16C.28, subdivision 1, paragraphs (a), clause (2), and (c), which are not required
13.14 to be the lowest responsible bidder; and

13.15 (3) for work the construction manager or program manager determines to be critical
13.16 to the completion schedule, award contracts on the basis of competitive proposals, or
13.17 perform work with its own forces without soliciting competitive bids if the construction
13.18 manager or program manager provides evidence of competitive pricing.

13.19 (h) The authority and the NFL team shall require that the construction manager or
13.20 program manager certify, before the contract is signed, a fixed and stipulated construction
13.21 price and completion date to the authority and post a performance bond in an amount
13.22 at least equal to 100 percent of the certified price or such other security satisfactory to
13.23 the authority, to cover any costs which may be incurred in excess of the certified price
13.24 including, but not limited to, costs incurred by the authority or loss of revenues resulting
13.25 from incomplete construction on the completion date. The authority may secure surety
13.26 bonds as provided in section 574.26, securing payment of just claims in connection with
13.27 all public work undertaken by the authority. Persons entitled to the protection of the
13.28 bonds may enforce them as provided in sections 574.28 to 574.32 and are not entitled to a
13.29 lien on any property of the authority under the provisions of sections 514.01 to 514.16.
13.30 The construction of the stadium is a project as that term is defined in section 177.42,
13.31 subdivision 2, and is subject to the prevailing wage law under sections 177.41 to 177.43.

13.32 Subd. 2. **Changes.** Unless otherwise agreed to by the authority and the NFL team,
13.33 if either party requests an agreed upon change in minimum design standards, and this
13.34 change is responsible for requiring the project to exceed the stated budget, the requesting
13.35 party is liable for any cost overruns or associated liabilities.

14.1 Subd. 3. Stadium design. The stadium and stadium infrastructure shall be designed
14.2 and constructed incorporating the following general program and design elements:

14.3 (1) unless otherwise agreed to by the authority and the NFL team, the stadium
14.4 shall comprise approximately 1,500,000 square feet with approximately 65,000 seats,
14.5 expandable to 72,000, shall meet or exceed NFL program requirements, and include
14.6 approximately 150 suites and approximately 7,500 club seats or other such components as
14.7 agreed to by the authority and the NFL team;

14.8 (2) space for NFL team-related exhibitions and sales, which shall include the
14.9 following: NFL team museum and Hall of Fame, retail merchandise and gift shop retail
14.10 venues, and themed concessions and restaurants;

14.11 (3) year-round space for the NFL team administrative operations, sales, and
14.12 marketing, including a ticket office, team meeting space, locker, and training rooms;

14.13 (4) space for administrative offices of the authority;

14.14 (5) 2,000 parking spaces within one block of the stadium, connected by skyway or
14.15 tunnel to the stadium, and 500 parking spaces within two blocks of the stadium, with a
14.16 dedicated walkway on game days;

14.17 (6) elements sufficient to provide community and civic uses as determined by the
14.18 authority; and

14.19 (7) a roof that is fixed or retractable, provided that if the roof is retractable, it is
14.20 accomplished without any increase to the funding provided by the state or the city.

14.21 Subd. 4. Cost overruns, savings. The authority may accept financial obligations
14.22 relating to cost overruns associated with acquisition of the stadium site, stadium
14.23 infrastructure, and stadium design, development, and construction, provided that the
14.24 authority shall not accept responsibility for cost overruns and shall not be responsible for
14.25 cost overruns if the authority has authorized the NFL team to provide for management of
14.26 construction of the stadium under subdivision 1. Cost savings or additional funds obtained
14.27 by the authority or the NFL team for the stadium or stadium infrastructure may be used
14.28 first to fund additional stadium or stadium infrastructure, as agreed to by the authority and
14.29 the NFL team, if any, and then to fund capital reserves.

14.30 Sec. 12. [473J.112] COMMEMORATIVE BRICKS.

14.31 The authority shall sell commemorative bricks to be displayed at a prominent
14.32 location in the new stadium, for an amount to be determined by the authority. The
14.33 authority shall work with the commissioner to ensure that purchase of a brick is a tax
14.34 deductible donation on the part of the donating person or organization. Funds raised

15.1 through this section shall be appropriated to the commissioner of management and budget
15.2 for a grant to the Minnesota Sports Facilities Authority.

15.3 Sec. 13. **[473J.12] EMPLOYMENT.**

15.4 Subdivision 1. **Hiring and recruitment.** In the design, development, construction,
15.5 management, operation, maintenance and capital repair, replacement and improvement of
15.6 the stadium and stadium infrastructure, the authority shall make every effort to employ,
15.7 and cause the NFL team, the construction manager and other subcontractors, vendors, and
15.8 concessionaires to employ women and members of minority communities when hiring.
15.9 In addition, the authority shall contract with an employment assistance firm, preferably
15.10 minority-owned, to create an employment program to recruit, hire, and retain minorities
15.11 for the stadium facility. The authority shall hold a job fair and recruit and advertise at
15.12 Minneapolis Urban League, Sabathani, American Indian OIC, Youthbuild organizations,
15.13 and other such organizations. Further, goals for construction contracts to be awarded
15.14 to women- and minority-owned businesses will be in a percentage at least equal to the
15.15 minimum used for city of Minneapolis development projects, and the other construction
15.16 workforce will establish workforce utilization goals at least equal to current city goals and
15.17 include workers from city zip codes that have high rates of poverty and unemployment.

15.18 Subd. 2. **Other required agreements.** The NFL team or the authority shall give
15.19 food, beverage, retail, and concession workers presently employed by the NFL team or
15.20 the Metropolitan Sports Facilities Commission or its vendors at the existing football
15.21 stadium the opportunity to continue their employment in comparable positions at the new
15.22 stadium. Workers who are presently represented under a collective bargaining agreement
15.23 may seek to continue such representation in the facility and designate such, or another
15.24 collective bargaining unit, as their representative.

15.25 Sec. 14. **[473J.13] STADIUM OPERATIONS; CAPITAL IMPROVEMENTS.**

15.26 Subdivision 1. **Stadium operation.** The stadium shall be operated in a first-class
15.27 manner, similar to and consistent with other comparable NFL stadiums, such as the
15.28 stadium in Indianapolis, Indiana, currently known as Lucas Oil Field. The authority and
15.29 the team will mutually agree on a third-party management company or individual to
15.30 manage the stadium and on certain major vendors to the stadium. The authority, with the
15.31 approval of the NFL team, may enter into an agreement with a program manager for
15.32 management of the stadium, for a maximum of 40 years.

15.33 Subd. 2. **Operating expenses.** (a) The authority must pay or cause to be paid
15.34 all operating expenses of the stadium. The authority must require in the lease or use

16.1 agreement with the NFL team that the NFL team pay the authority, beginning January 1,
16.2 2016, or other date as mutually agreed upon by the parties, toward operating costs of the
16.3 stadium, \$8,500,000 each year, increased by a three percent annual inflation rate.

16.4 (b) Beginning January 1, 2016, or other date as mutually agreed upon by the
16.5 parties, and continuing through 2020, the state shall pay the authority operating expenses,
16.6 \$6,000,000 each year, increased by an annual adjustment factor. The payment of
16.7 \$6,000,000 per year beginning in 2016 is a payment by the state, which shall be repaid
16.8 to the state, using funds as provided under section 297A.994, subdivision 4, paragraph
16.9 (a), clause (4). After 2020, the state shall assume this payment, using funds generated in
16.10 accordance with the city of Minneapolis as specified under section 297A.994.

16.11 (c) The authority may establish an operating reserve to cover operating expense
16.12 shortfalls and may accept funds from any source for deposit in the operating reserve. The
16.13 establishment or funding of an authority operating reserve must not decrease the amounts
16.14 required to be paid to the authority toward operating costs under this subdivision unless
16.15 agreed to by the authority.

16.16 (d) The authority will be responsible for operating cost overruns.

16.17 (e) After the joint selection of the third-party manager or program manager, the
16.18 authority may agree with a program manager or other third-party manager of the stadium
16.19 on a fixed cost operating, management, or employment agreement with operating
16.20 cost protections under which the program manager or third-party manager assumes
16.21 responsibility for stadium operating costs and shortfalls. The agreement with the manager
16.22 must require the manager to prepare an initial and ongoing operating plan and operating
16.23 budgets for approval by the authority in consultation with the NFL team. The manager
16.24 must agree to operate the stadium in accordance with the approved operating plan and
16.25 operating budget.

16.26 Subd. 3. **Public access.** The authority will work to maximize access for public and
16.27 amateur sports, community, and civic events, and other public events in type and on terms
16.28 consistent with those currently held at the existing football stadium, as defined in section
16.29 473.551, subdivision 9. The authority may provide that these events have exclusive use
16.30 of the premises at agreed-upon times subject to the scheduling rights of the NFL team
16.31 under the lease or use agreement.

16.32 Subd. 4. **Capital improvements.** (a) The authority shall establish a capital
16.33 reserve fund. The authority shall be responsible for making, or for causing others to
16.34 make, all capital repairs, replacements, and improvements for the stadium and stadium
16.35 infrastructure. The authority shall maintain, or cause others to maintain, the stadium and
16.36 stadium infrastructure in a safe, clean, attractive, and first-class manner so as to cause

17.1 them to remain in a condition comparable to that of other comparable NFL facilities of
17.2 similar design and age. The authority shall make, or cause others to make, all necessary
17.3 or appropriate repairs, renewals, and replacements, whether structural or nonstructural,
17.4 interior or exterior, ordinary or extraordinary, foreseen or unforeseen, in a prompt and
17.5 timely manner. In addition, the authority, with approval of the NFL team, may enter into
17.6 an agreement with a program manager to perform some or all of the responsibilities of the
17.7 authority in this subdivision and to assume and accept financial liability for the cost of
17.8 performing the responsibilities.

17.9 (b) The NFL team must contribute \$1,500,000 each year, beginning in 2016 or as
17.10 otherwise determined for the term of the lease or use agreement to the operating reserve
17.11 fund, increased by a three percent annual inflation rate.

17.12 (c) The state shall contribute \$1,500,000 each year, beginning in 2016 or as
17.13 otherwise determined for the term of the lease to the operating reserve fund. The
17.14 contributions of the state are subject to increase by an annual adjustment factor. The
17.15 contribution under this paragraph shall be assumed by the state from 2016 through 2020,
17.16 and repaid to the state by the state using funds in accordance with section 297A.994,
17.17 subdivision 4, paragraph (a), clause (4).

17.18 (d) The authority, with input from the NFL team, shall develop short-term and
17.19 long-term capital funding plans and shall use those plans to guide the future capital needs
17.20 of the stadium and stadium infrastructure. The authority shall make the final determination
17.21 with respect to funding capital needs. Any capital improvement proposed by the NFL
17.22 team intended primarily to provide revenue enhancements to the NFL team shall be paid
17.23 for by the NFL team, unless otherwise agreed to with the authority.

17.24 Subd. 5. **Game-day payments.** In addition to operating expense contributions
17.25 of the NFL team under subdivision 2, the NFL team shall pay all NFL game day, NFL
17.26 team-owned major league soccer, as provided in section 473J.15, subdivision 15, and
17.27 other NFL team-sponsored event expenses within the stadium and stadium plaza areas.

17.28 Subd. 6. **Cooperation with financing.** The authority will cooperate with the
17.29 NFL team to facilitate the financing of the NFL team's contribution. Such agreement to
17.30 cooperate shall not require the authority to incur any additional costs or provide conduit
17.31 financing. The lease, license, and other transaction documents shall include provisions
17.32 customarily required by lenders in stadium financings.

17.33 Sec. 15. **[473J.15] CRITERIA AND CONDITIONS.**

17.34 Subdivision 1. **Binding and enforceable.** In developing the stadium and entering
17.35 into related contracts, the authority must follow and enforce the criteria and conditions in

18.1 this section, provided that a determination by the authority that those criteria or conditions
18.2 have been met under any agreement or otherwise shall be conclusive.

18.3 Subd. 2. **NFL team/private contribution; timing of expenditures.** (a) The NFL
18.4 team/private contribution, including stadium builder license proceeds, for stadium costs
18.5 must be made in cash in the amount of at least \$427,000,000.

18.6 (b) Prior to the initial deposit of funds under this section, the team must provide
18.7 security or other credit worthiness in the amount of \$50,000,000, subject to the satisfaction
18.8 of the authority. Prior to the first issuance of bonds under section 16A.965, the first portion
18.9 of the NFL team/private contribution in the amount of \$50,000,000 must be deposited as
18.10 costs are incurred to the construction fund to pay for the initial stadium costs.

18.11 (c) After the first \$50,000,000 of stadium costs have been paid from the initial
18.12 NFL team/private contribution, state funds shall be deposited as costs are incurred to the
18.13 construction fund to pay for the next \$50,000,000 of costs of the project. Prior to any state
18.14 funds being deposited in the construction fund, the NFL team must provide security or a
18.15 financing commitment reasonably satisfactory to the authority for the balance of the
18.16 required NFL team/private contribution and for payment of cost overruns if the NFL
18.17 team assumes responsibility for stadium construction under section 473J.11. Thereafter,
18.18 budgeted project costs shall be borne by the authority and the NFL team/private
18.19 contributions in amounts proportionate to their remaining funding commitments.

18.20 (d) In the event the project terminates before the initial \$100,000,000 in contributions
18.21 are expended by the parties under this subdivision, the parties shall be reimbursed in the
18.22 amounts they have deposited to the construction fund proportionate to project funding
18.23 percentages, in the amounts of 56 percent by the authority and 44 percent by the NFL
18.24 team/private contributions.

18.25 Subd. 3. **Lease or use agreements; 40-year term.** The authority must enter into
18.26 a long-term lease or use agreement with the NFL team for the NFL team's use of the
18.27 stadium. The NFL team must agree to play all preseason, regular season, and postseason
18.28 home games at the stadium. Training facilities must remain in Minnesota during the term
18.29 of the lease or use agreement. The lease or use agreement must be for a term of at least
18.30 40 years from the date of substantial completion of the stadium for professional football
18.31 games. The lease or use agreement may provide options for the NFL team to extend the
18.32 term for up to four additional periods of five years. The lease or use agreement must
18.33 include terms for default, termination, and breach of the agreement. Recognizing that
18.34 the presence of professional football provides to the state of Minnesota and its citizens
18.35 highly valued, intangible benefits that are virtually impossible to quantify and, therefore,
18.36 not recoverable in the event of the NFL team owner's breach of contract, the lease and

19.1 use agreements must provide for specific performance and injunctive relief to enforce
19.2 provisions relating to use of the stadium for professional football and must not include
19.3 escape clauses or buyout provisions. The NFL team must not enter into or accept any
19.4 agreement or requirement with or from any entity that is inconsistent with the NFL team's
19.5 binding commitment to the 40-year term of the lease or use agreement or that would in
19.6 any manner dilute, interfere with, or negate the provisions of the lease or use agreement,
19.7 providing for specific performance or injunctive relief. The legislature conclusively
19.8 determines, as a matter of public policy, that the lease or use agreement, and any grant
19.9 agreement under this chapter that includes a specific performance clause:

19.10 (1) explicitly authorizes specific performance as a remedy for breach;

19.11 (2) is made for adequate consideration and upon terms which are otherwise fair
19.12 and reasonable;

19.13 (3) has not been included through sharp practice, misrepresentation, or mistake;

19.14 (4) if specifically enforced, does not cause unreasonable or disproportionate hardship
19.15 or loss to the NFL team or to third parties; and

19.16 (5) involves performance in a manner and the rendering of services of a nature and
19.17 under circumstances that the beneficiary cannot be adequately compensated in damages.

19.18 **Subd. 4. Lease or use agreements; revenues, payments.** A lease or use agreement
19.19 shall include rent and other fees and expenses to be paid by the NFL team. The authority
19.20 shall agree to provide in the lease or use agreement for the NFL team to receive all NFL
19.21 and team event related revenues, including, but not limited to, suite revenues, advertising,
19.22 concessions, signage, broadcast and media, and club seat revenue. The agreement shall
19.23 also provide that all naming rights to the stadium are retained by the NFL team, subject to
19.24 the approval of the name or names by the authority consistent with those criteria set out
19.25 in the lease or use agreement. The agreement shall provide for the authority to receive
19.26 all general ticket revenues and other event revenues other than from NFL team games,
19.27 NFL team-owned major league soccer games, and other NFL team events agreed to by
19.28 the authority.

19.29 **Subd. 5. Notice of breach or default.** Until 40 years from the date of stadium
19.30 completion, the NFL team must provide written notice to the authority not less than 180
19.31 days prior to any action, including any action imposed upon the NFL team by the NFL,
19.32 which would result in a breach or default of provisions of the lease or use agreements
19.33 required to be included under subdivision 3. If this notice provision is violated and the
19.34 NFL team has already breached or been in default under the required provisions, the
19.35 authority or the state of Minnesota may specifically enforce the lease or use agreement

20.1 and Minnesota courts shall fashion equitable remedies so that the NFL team fulfills the
20.2 conditions of the lease and use agreements.

20.3 Subd. 6. **Enforceable financial commitments.** The authority must determine before
20.4 stadium construction begins that all public and private funding sources for construction,
20.5 operating expenses, and capital improvements and repairs of the stadium are included in
20.6 written agreements. The committed funds must be adequate to design, construct, furnish,
20.7 and equip the stadium, and pay projected operating expenses and the costs of capital
20.8 improvements and repairs during the term of the lease or use agreement with the NFL
20.9 team. The NFL team must provide the authority access to NFL team financial or other
20.10 information, which the authority deems necessary for such determination. Any financial
20.11 information obtained by the authority under this subdivision is nonpublic data under
20.12 section 13.02, subdivision 9.

20.13 Subd. 7. **Environmental requirements.** The authority must comply with all
20.14 environmental requirements imposed by regulatory agencies for the stadium, site, and
20.15 structure, except as provided by section 473J.09, subdivision 11, or by section 473J.17.

20.16 Subd. 8. **Public share on sale of NFL team.** The lease or use agreement must
20.17 provide that, if the NFL team is sold or an interest in the NFL team is sold after the
20.18 effective date of this chapter, a portion of the sale price must be used to pay down the
20.19 remaining debt service. If any portion remains after debt service is paid, that amount is
20.20 paid to the authority and deposited in a reserve fund for improvements to the stadium or
20.21 expended as the authority may otherwise direct. The portion required to be so paid to
20.22 the authority is 25 percent of the amount in excess of the purchase price of the NFL
20.23 team by the selling owner or owners for the first ten years after commencement of
20.24 stadium construction, declining to 15 percent for the next ten years, and further declining
20.25 to ten percent for the next ten years. The agreement must provide exceptions for sales
20.26 to members of the owners' family and entities and trusts beneficially owned by family
20.27 members, sales to employees of equity interests aggregating up to ten percent, sales related
20.28 to capital infusions not distributed to the owners, and sales amongst existing owners not
20.29 exceeding 20 percent equity interest in the NFL team.

20.30 Subd. 9. **Authority's access to NFL team financial information.** A notice
20.31 provision for a material breach shall be agreed to between the authority and the NFL team.
20.32 In the event there is a material breach by the NFL team under the lease or use agreement,
20.33 the lease or use agreement must provide the authority access to audited financial statements
20.34 of the NFL team and other financial information that the authority deems necessary to
20.35 enforce the terms of any lease or use agreements. Any financial information obtained by
20.36 the authority under this subdivision is nonpublic data under section 13.02, subdivision 9.

21.1 Subd. 10. **NFL team name retained.** The lease or use agreement must provide
21.2 that the NFL team and NFL will transfer to the state of Minnesota the Minnesota Vikings'
21.3 heritage and records, including the name, logo, colors, history, playing records, trophies,
21.4 and memorabilia in the event of relocation of the NFL team in violation of the lease
21.5 or use agreement.

21.6 Subd. 11. **Stadium design.** (a) The authority and the NFL team will build a stadium
21.7 that is environmentally and energy efficient and will make an effort to build a stadium
21.8 that is eligible to receive the Leadership in Energy and Environmental Design (LEED)
21.9 certification or the Green Building Initiative Green Globes certification for environmental
21.10 design, and to the extent practicable, will strive to make the stadium design architecturally
21.11 significant.

21.12 (b) The stadium design must, to the extent feasible, follow sustainable building
21.13 guidelines established under section 16B.325.

21.14 (c) The authority and the team must ensure that the stadium be constructed with
21.15 steel made in the USA.

21.16 Subd. 12. **Necessary approvals.** The authority and the NFL team must secure
21.17 any necessary approvals to the terms of the lease and use agreement and the design and
21.18 construction plans for the stadium, including prior approval of the NFL.

21.19 Subd. 13. **Affordable access.** The lease or use agreement must provide for an
21.20 agreed-upon number of affordable tickets to the professional sporting events held in the
21.21 stadium.

21.22 Subd. 14. **Stadium builder's licenses.** The authority shall own and retain the
21.23 exclusive right to sell stadium builder's licenses in the stadium. The authority will retain
21.24 the NFL team to act as the authority's agent in marketing and selling such licenses.

21.25 Subd. 15. **Major league soccer.** The authority shall, for five years after the first
21.26 NFL team home game is played in the stadium, grant the NFL team the exclusive right to
21.27 establish major league soccer at the stadium. The authority and the NFL team may enter
21.28 into an agreement providing the terms and conditions of such an arrangement, provided:

21.29 (1) if any of the NFL team owners whose family owns at least three percent of
21.30 the NFL team purchases full or partial ownership in a major league soccer franchise,
21.31 such franchise may play in the stadium under a use agreement with similar terms as are
21.32 applicable to the NFL team at no additional rent, but including a provision of payment
21.33 of game-day costs and reasonable marginal costs incurred by the authority as a result of
21.34 the major league soccer team; and

22.1 (2) capital improvements required by a major league soccer franchise must be
22.2 financed by the owners of the major league soccer team, unless otherwise agreed to by
22.3 the authority.

22.4 Subd. 16. **NFL team-related entities.** Subject to the prior approval of the authority,
22.5 which shall not be unreasonably withheld, any of the obligations by the NFL team may
22.6 be performed by the NFL team, a related entity, or a third party, and the NFL team, any
22.7 entity related to the NFL team or third party may receive any revenues to which the NFL
22.8 team is entitled hereunder; provided, however, the NFL team shall remain liable if any
22.9 obligations are assigned to a related entity or third party.

22.10 Sec. 16. **[473J.17] MUNICIPAL ACTIVITIES.**

22.11 Subdivision 1. **Property acquisition and disposition.** The city may, to the extent
22.12 legally permissible, acquire land, air rights, and other property interests within the
22.13 development area for the stadium site and stadium infrastructure and convey it to the
22.14 authority with or without consideration, prepare a site for development as a stadium, and
22.15 acquire and construct any related stadium infrastructure. To the extent property parcels or
22.16 interests acquired are more extensive than the stadium infrastructure requirements, the city
22.17 may sell or otherwise dispose of the excess.

22.18 Subd. 2. **Claims.** Except as may be mutually agreed to by the city and the authority,
22.19 the city has no interest in or claim to any assets or revenues of the authority.

22.20 Subd. 3. **Environmental; planning and zoning.** The authority is the responsible
22.21 governmental unit for an environmental impact statement for the stadium prepared under
22.22 section 116D.04, if an environmental impact statement is necessary. Notwithstanding
22.23 section 116D.04, subdivision 2b, and implementing rules: (1) the environmental
22.24 impact statement shall not be required to consider alternative stadium sites; and (2) the
22.25 environmental impact statement must be determined to be adequate before commencing
22.26 work on the foundation of the stadium, but the stadium and stadium infrastructure may
22.27 otherwise be started and all preliminary and final government decisions and actions may
22.28 be made and taken including, but not limited to, acquiring land; obtaining financing;
22.29 granting permits or other land use approvals; entering into grant, lease, or use agreements;
22.30 or preparing the site or related stadium infrastructure prior to a determination of the
22.31 adequacy of the environmental impact statement.

22.32 Subd. 4. **Local government expenditure.** The city may make expenditures or
22.33 grants for other costs incidental and necessary to further the purposes of this chapter and
22.34 may, by agreement, reimburse in whole or in part, any entity that has granted, loaned, or
22.35 advanced funds to the city to further the purposes of this chapter. The city may reimburse

23.1 the authority or a local governmental entity or make a grant to the authority or such a
23.2 governmental unit or be reimbursed by the authority or local governmental entity for site
23.3 acquisition, preparation of the site for stadium development, and stadium infrastructure.

23.4 Subd. 5. **Municipal authority.** The legislature intends that, except as expressly
23.5 limited herein, the city may acquire and develop stadium infrastructure, enter into contracts
23.6 with the authority and other governmental or nongovernmental entities, appropriate funds,
23.7 and make employees, consultants, and other revenues available for those purposes.

23.8 Subd. 6. **Stadium Implementation Committee; city review.** In order to accomplish
23.9 the objectives of this act within the required time frame, it is necessary to establish an
23.10 alternative process for municipal land use and development review. It is hereby found
23.11 and declared that the construction of a stadium within the development area is consistent
23.12 with the adopted area plan, is the preferred stadium location, and is a permitted land use.
23.13 This subdivision establishes a procedure for all land use and development reviews and
23.14 approvals by the city of Minneapolis for the stadium and related stadium infrastructure
23.15 and supersedes all land use and development rules and restrictions and procedures
23.16 imposed by other law, charter, or ordinance, including without limitation section 15.99.
23.17 No later than 30 days after timely compliance of the city as provided in article 4, section 5,
23.18 of this act, the city of Minneapolis shall establish a stadium implementation committee
23.19 to make recommendations on the design plans submitted for the stadium, and stadium
23.20 infrastructure, and related improvements. The implementation committee must take
23.21 action to issue its recommendations within the time frames established in the planning
23.22 and construction timetable issued by the authority which shall provide for no less than 60
23.23 days for the committee's review. The recommendations of the implementation committee
23.24 shall be forwarded to the city of Minneapolis Planning Commission for an advisory
23.25 recommendation and then to the city council for final action in a single resolution, which
23.26 final action must be taken within 45 days of the submission of the recommendations to the
23.27 planning commission. The city council shall not impose any unreasonable conditions on
23.28 the recommendations of the implementation committee, nor take any action or impose
23.29 any conditions that will result in delay from the time frames established in the planning
23.30 and construction timetable or in additional overall costs. Failure of the city council to act
23.31 within the 45-day period shall be deemed to be approval. The authority may seek de novo
23.32 review in the district court of any city council action. The district court or any appellate
23.33 court shall expedite review to the maximum extent possible and timely issue relief, orders,
23.34 or opinions as necessary to give effect to the provisions and objectives in this act.

23.35 **Sec. 17. [473J.19] PROPERTY TAX EXEMPTION; SPECIAL ASSESSMENTS.**

24.1 Any real or personal property acquired, owned, leased, controlled, used, or occupied
24.2 by the authority for any of the purposes of this chapter, is acquired, owned, leased,
24.3 controlled, used, and occupied for public, governmental, and municipal purposes. The
24.4 stadium and stadium infrastructure are exempt from ad valorem taxation by the state
24.5 or any political subdivision of the state provided that the properties are subject to
24.6 special assessments levied by a political subdivision for a local improvement in amounts
24.7 proportionate to and not exceeding the special benefit received by the properties from the
24.8 improvement. No possible use of any of the properties in any manner different from their
24.9 use under this chapter may be considered in determining the special benefit received by
24.10 the properties. Notwithstanding section 272.01, subdivision 2, or 273.19, real or personal
24.11 property, which is subject to a lease or use agreement between the authority and another
24.12 person for uses related to the purposes of this chapter, including the operation of the
24.13 stadium and related parking facilities, is exempt from taxation regardless of the length of
24.14 the lease or use agreement or the characteristics of the entity leasing or using the property.
24.15 This section, insofar as it provides an exemption or special treatment, does not apply to
24.16 any real property that is leased for residential, business, or commercial development or to
24.17 a restaurant that is open for general business more than 200 days a year, or other purposes
24.18 different from those contemplated in this chapter.

24.19 **Sec. 18. [473J.23] LOCAL TAXES.**

24.20 No new or additional local sales or use tax shall be imposed on sales at the
24.21 stadium site unless the tax is applicable throughout the taxing jurisdiction. No new or
24.22 additional local tax shall be imposed on sales of tickets and admissions to NFL team,
24.23 NFL team-owned major league soccer, or other team related events at the stadium,
24.24 notwithstanding any law or ordinance, unless the tax is applicable throughout the taxing
24.25 jurisdiction. The admissions and amusements tax currently imposed by the city of
24.26 Minneapolis pursuant to Laws 1969, chapter 1092, may apply to admissions for football
24.27 and NFL team related events, including NFL team-owned major league soccer, as
24.28 provided in section 473J.15, subdivision 15, at the stadium.

24.29 **Sec. 19. [473J.25] METROPOLITAN SPORTS FACILITIES COMMISSION**
24.30 **ASSETS; LIABILITIES TO AUTHORITY.**

24.31 Subdivision 1. **Authority expenses.** The Metropolitan Sports Facilities Commission
24.32 shall pay the operating expenses of the authority including salaries, compensation, and
24.33 other personnel, office, equipment, consultant and any other costs, until the commission is
24.34 abolished pursuant to subdivision 3.

26.1 (3) payments received for that purpose under agreements and ancillary arrangements
26.2 described in subdivision 2, paragraph (d); and

26.3 (4) investment earnings on amounts in clauses (1) to (3).

26.4 (c) "Debt service" means the amount payable in any biennium of principal, premium,
26.5 if any, and interest on appropriation bonds.

26.6 Subd. 2. **Authorization to issue appropriation bonds.** (a) Subject to the
26.7 limitations of this subdivision, the commissioner may sell and issue appropriation bonds
26.8 of the state under this section for public purposes as provided by law, including, in
26.9 particular, the financing of all or a portion of the acquisition, construction, improving,
26.10 and equipping of the stadium project of the Minnesota Sports Facilities Authority as
26.11 provided by chapter 473J. Proceeds of the appropriation bonds must be credited to a
26.12 special appropriation stadium bond proceeds fund in the state treasury. Net income from
26.13 investment of the proceeds, as estimated by the commissioner, must be credited to the
26.14 special appropriation stadium bond proceeds fund.

26.15 (b) Appropriation bonds may be sold and issued in amounts that, in the opinion of
26.16 the commissioner, are necessary to provide sufficient funds, not to exceed \$548,000,000
26.17 net of costs of issuance, deposits for debt service reserve funds, and costs of credit
26.18 enhancement for achieving the purposes authorized as provided under paragraph (a), and
26.19 pay debt service, pay costs of issuance, make deposits to reserve funds, pay the costs
26.20 of credit enhancement, or make payments under other agreements entered into under
26.21 paragraph (d); provided, however, that appropriation bonds issued and unpaid shall not
26.22 exceed \$650,000,000 in principal amount, excluding refunding bonds sold and issued
26.23 under subdivision 4.

26.24 (c) Appropriation bonds may be issued from time to time in one or more series on
26.25 the terms and conditions the commissioner determines to be in the best interests of the
26.26 state, but the term on any series of appropriation bonds may not exceed 30 years. The
26.27 appropriation bonds of each issue and series thereof shall be dated and bear interest,
26.28 and may be includable in or excludable from the gross income of the owners for federal
26.29 income tax purposes.

26.30 (d) At the time of, or in anticipation of, issuing the appropriation bonds, and at any
26.31 time thereafter, so long as the appropriation bonds are outstanding, the commissioner may
26.32 enter into agreements and ancillary arrangements relating to the appropriation bonds,
26.33 including, but not limited to, trust indentures, grant agreements, lease or use agreements,
26.34 operating agreements, management agreements, liquidity facilities, remarketing or
26.35 dealer agreements, letter of credit agreements, insurance policies, guaranty agreements,
26.36 reimbursement agreements, indexing agreements, or interest exchange agreements. Any

27.1 payments made or received according to the agreement or ancillary arrangement shall be
27.2 made from or deposited as provided in the agreement or ancillary arrangement. The
27.3 determination of the commissioner included in an interest exchange agreement that the
27.4 agreement relates to an appropriation bond shall be conclusive.

27.5 (e) The commissioner may enter into written agreements or contracts relating to the
27.6 continuing disclosure of information necessary to comply with, or facilitate the issuance
27.7 of appropriation bonds in accordance with federal securities laws, rules, and regulations,
27.8 including Securities and Exchange Commission rules and regulations in Code of Federal
27.9 Regulations, title 17, section 240.15c 2-12. An agreement may be in the form of covenants
27.10 with purchasers and holders of appropriation bonds set forth in the order or resolution
27.11 authorizing the issuance of the appropriation bonds, or a separate document authorized
27.12 by the order or resolution.

27.13 (f) The appropriation bonds are not subject to chapter 16C.

27.14 Subd. 3. **Form; procedure.** (a) Appropriation bonds may be issued in the form
27.15 of bonds, notes, or other similar instruments, and in the manner provided in section
27.16 16A.672. In the event that any provision of section 16A.672 conflicts with this section,
27.17 this section shall control.

27.18 (b) Every appropriation bond shall include a conspicuous statement of the limitation
27.19 established in subdivision 6.

27.20 (c) Appropriation bonds may be sold at either public or private sale upon such terms
27.21 as the commissioner shall determine are not inconsistent with this section and may be sold
27.22 at any price or percentage of par value. Any bid received may be rejected.

27.23 (d) Appropriation bonds must bear interest at a fixed or variable rate.

27.24 (e) Notwithstanding any other law, appropriation bonds issued under this section
27.25 shall be fully negotiable.

27.26 Subd. 4. **Refunding bonds.** The commissioner from time to time may issue
27.27 appropriation bonds for the purpose of refunding any appropriation bonds then
27.28 outstanding, including the payment of any redemption premiums on the bonds, any
27.29 interest accrued or to accrue to the redemption date, and costs related to the issuance and
27.30 sale of the refunding bonds. The proceeds of any refunding bonds may, in the discretion of
27.31 the commissioner, be applied to the purchase or payment at maturity of the appropriation
27.32 bonds to be refunded, to the redemption of the outstanding appropriation bonds on any
27.33 redemption date, or to pay interest on the refunding bonds and may, pending application,
27.34 be placed in escrow to be applied to the purchase, payment, retirement, or redemption. Any
27.35 escrowed proceeds, pending such use, may be invested and reinvested in obligations that
27.36 are authorized investments under section 11A.24. The income earned or realized on the

28.1 investment may also be applied to the payment of the appropriation bonds to be refunded
28.2 or interest or premiums on the refunded appropriation bonds, or to pay interest on the
28.3 refunding bonds. After the terms of the escrow have been fully satisfied, any balance of the
28.4 proceeds and any investment income may be returned to the general fund or, if applicable,
28.5 the special appropriation stadium bond proceeds fund for use in any lawful manner. All
28.6 refunding bonds issued under this subdivision must be prepared, executed, delivered, and
28.7 secured by appropriations in the same manner as the appropriation bonds to be refunded.

28.8 Subd. 5. **Appropriation bonds as legal investments.** Any of the following entities
28.9 may legally invest any sinking funds, money, or other funds belonging to them or under
28.10 their control in any appropriation bonds issued under this section:

28.11 (1) the state, the investment board, public officers, municipal corporations, political
28.12 subdivisions, and public bodies;

28.13 (2) banks and bankers, savings and loan associations, credit unions, trust companies,
28.14 savings banks and institutions, investment companies, insurance companies, insurance
28.15 associations, and other persons carrying on a banking or insurance business; and

28.16 (3) personal representatives, guardians, trustees, and other fiduciaries.

28.17 Subd. 6. **No full faith and credit; state not required to make appropriations.**
28.18 The appropriation bonds are not public debt of the state, and the full faith, credit, and
28.19 taxing powers of the state are not pledged to the payment of the appropriation bonds or to
28.20 any payment that the state agrees to make under this section. Appropriation bonds shall
28.21 not be obligations paid directly, in whole or in part, from a tax of statewide application
28.22 on any class of property, income, transaction, or privilege. Appropriation bonds shall be
28.23 payable in each fiscal year only from amounts that the legislature may appropriate for debt
28.24 service for any fiscal year, provided that nothing in this section shall be construed to
28.25 require the state to appropriate funds sufficient to make debt service payments with respect
28.26 to the appropriation bonds in any fiscal year. Appropriation bonds shall be canceled and
28.27 shall no longer be outstanding on the earlier of (1) the first day of a fiscal year for which
28.28 the legislature shall not have appropriated amounts sufficient for debt service, or (2) the
28.29 date of final payment of the principal of and interest on the appropriation bonds.

28.30 Subd. 7. **Appropriation of proceeds.** The proceeds of appropriation bonds and
28.31 interest credited to the special appropriation stadium bond proceeds fund are appropriated
28.32 to the commissioner for payment of capital expenses, debt service on outstanding
28.33 indebtedness of the state, operating and capital reserves of the authority, and the funding
28.34 of debt service reserves for the appropriation bonds, each as permitted by state and federal
28.35 law, and nonsalary expenses incurred in conjunction with the sale of the appropriation

29.1 bonds, and such proceeds may be granted, loaned, or otherwise provided to the authority
29.2 for the public purpose provided by subdivision 2, paragraph (a).

29.3 Subd. 8. **Commissioner; determination of available revenues.** (a) By March 15
29.4 of each fiscal year, the commissioner, in consultation with the commissioner of revenue,
29.5 shall determine the estimated increase in revenues received from taxes imposed under
29.6 chapter 297E over the estimated revenues under the February 2012 revenue forecast for
29.7 that fiscal year. For fiscal years after fiscal year 2015, the commissioner shall use the
29.8 February 2012 revenue forecast for fiscal year 2015 as the baseline. All calculations under
29.9 this paragraph must be made net of estimated refunds of the taxes required to be paid.

29.10 (b) Available revenues for purposes of subdivision 9, equal the amount determined
29.11 under paragraph (a), less the following amounts for the fiscal year:

29.12 (1) the appropriation to principal and interest on appropriation bonds under
29.13 subdivision 9, paragraph (a);

29.14 (2) the appropriations under article 5, section 44, paragraph (a), for administration
29.15 and any successor appropriation;

29.16 (3) reimbursements authorized by section 473J.15, subdivision 2;

29.17 (4) payment of compulsive gambling appropriations under article 5, section 44,
29.18 paragraph (b), and any successor appropriation;

29.19 (5) the appropriations under section 3, paragraphs (a) to (c); and

29.20 (6) the appropriations under section 3, paragraph (f).

29.21 (c) The provisions of this subdivision apply only after the issuance of appropriation
29.22 bonds under subdivision 2.

29.23 Subd. 9. **Appropriation for debt service and other purposes.** (a) The amount
29.24 needed to pay principal and interest on appropriation bonds issued under this section is
29.25 appropriated each year from the general fund to the commissioner, subject to repeal,
29.26 unallotment under section 16A.152, or cancellation otherwise pursuant to subdivision 6,
29.27 for deposit into the bond payment accounts established for such purpose in the special
29.28 appropriation stadium bond proceeds fund.

29.29 (b) To the extent the commissioner determines revenues are available under the
29.30 provisions of subdivision 8, paragraph (b), for the fiscal year, the following amounts
29.31 are appropriated from the general fund:

29.32 (1) to replenish the amount on deposit in any debt service reserve account established
29.33 with respect to the appropriation bonds to the debt service reserve requirement amount as
29.34 determined by order of the commissioner;

30.1 (2) to the extent not required under clause (1), for deposit to any general reserve
30.2 account established by order of the commissioner for application against any shortfall in
30.3 the amounts deposited to the general fund pursuant to section 297A.994; and

30.4 (3) to the extent not required under clauses (1) and (2), to be applied to early payoff
30.5 of bonds issued under this section.

30.6 Subd. 10. **Waiver of immunity.** The waiver of immunity by the state provided for
30.7 by section 3.751, subdivision 1, shall be applicable to the appropriation bonds and any
30.8 ancillary contracts to which the commissioner is a party.

30.9 Sec. 2. **SUITES SURCHARGE.**

30.10 A ten percent surcharge is imposed on the sale or rental of suites for NFL team
30.11 games and events at the stadium. The commissioner of revenue shall determine annually
30.12 the amount of the proceeds resulting from the surcharge each year and shall annually
30.13 remit that amount to pay for bond debt service, notwithstanding the requirements of
30.14 Minnesota Statutes, section 16A.965. The commissioner may charge a reasonable amount
30.15 necessary for the calculation, collection, and remittance of the surcharge proceeds. The
30.16 authority to impose the surcharge expires the day after all stadium bonds, including fees
30.17 and interest, have been paid.

30.18 Sec. 3. **APPROPRIATION.**

30.19 (a) \$6,000,000 plus an amount calculated in paragraph (c) is annually appropriated
30.20 from the general fund for fiscal years 2016 to 2021 to the commissioner of management
30.21 and budget for a grant to the Minnesota Sports Facilities Authority for the operating costs
30.22 of the stadium under Minnesota Statutes, chapter 473J.

30.23 (b) \$1,500,000 plus an amount calculated in paragraph (c) is annually appropriated
30.24 from the general fund for fiscal years 2016 to 2021 to the commissioner of management
30.25 and budget for a grant to the Minnesota Sports Facilities Authority for capital costs of the
30.26 stadium under Minnesota Statutes, chapter 473J.

30.27 (c) The appropriations in paragraphs (a) and (b) are subject to an annual adjustment
30.28 specified in Minnesota Statutes, section 473J.03, subdivision 2.

30.29 (d) If state appropriation bonds have not been issued under Minnesota Statutes,
30.30 section 16A.965, amounts not to exceed the increased revenues estimated by the
30.31 commissioner of management and budget under Minnesota Statutes, section 16A.965,
30.32 subdivision 8, paragraph (a), are appropriated to the commissioner of management and
30.33 budget to make grants to the Minnesota Sports Facilities Authority for stadium costs as
30.34 defined under Minnesota Statutes, section 473J.03, subdivision 8.

31.1 (e) The amount deposited in the general fund by the commissioner of revenue under
31.2 Minnesota Statutes, section 297A.994, subdivision 3, clause (3), is annually appropriated
31.3 from the general fund for calendar years 2021 to 2056 to the commissioner of management
31.4 and budget for a grant to the Minnesota Sports Facilities Authority.

31.5 (f) \$1,300,000 is annually appropriated from the general fund for fiscal years 2014
31.6 to 2034 to the commissioner of management and budget for a grant to the city of St. Paul
31.7 for the operating or capital costs of existing or new sports facilities.

31.8 **ARTICLE 3**

31.9 **CONFORMING CHANGES**

31.10 Section 1. Minnesota Statutes 2010, section 3.971, subdivision 6, is amended to read:

31.11 Subd. 6. **Financial audits.** The legislative auditor shall audit the financial
31.12 statements of the state of Minnesota required by section 16A.50 and, as resources permit,
31.13 shall audit Minnesota State Colleges and Universities, the University of Minnesota, state
31.14 agencies, departments, boards, commissions, courts, and other state organizations subject
31.15 to audit by the legislative auditor, including the State Agricultural Society, Agricultural
31.16 Utilization Research Institute, Enterprise Minnesota, Inc., Minnesota Historical
31.17 Society, Labor Interpretive Center, Minnesota Partnership for Action Against Tobacco,
31.18 ~~Metropolitan Sports Facilities Commission~~, Metropolitan Airports Commission, and
31.19 Metropolitan Mosquito Control District. Financial audits must be conducted according to
31.20 generally accepted government auditing standards. The legislative auditor shall see that
31.21 all provisions of law respecting the appropriate and economic use of public funds are
31.22 complied with and may, as part of a financial audit or separately, investigate allegations
31.23 of noncompliance.

31.24 Sec. 2. Minnesota Statutes 2010, section 13.55, subdivision 1, is amended to read:

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

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

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

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

31.34 (d) suggested terms of rentals; and

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

32.2 Sec. 3. Minnesota Statutes 2010, section 352.01, subdivision 2a, is amended to read:

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

32.4 (1) employees of the Minnesota Historical Society;

32.5 (2) employees of the State Horticultural Society;

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

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

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

32.11 (6) currently contributing employees covered by the system who are temporarily
32.12 employed by the legislature during a legislative session or any currently contributing
32.13 employee employed for any special service as defined in subdivision 2b, clause (8);

32.14 (7) employees of the legislature who are appointed without a limit on the duration
32.15 of their employment and persons employed or designated by the legislature or by a
32.16 legislative committee or commission or other competent authority to conduct a special
32.17 inquiry, investigation, examination, or installation;

32.18 (8) trainees who are employed on a full-time established training program
32.19 performing the duties of the classified position for which they will be eligible to receive
32.20 immediate appointment at the completion of the training period;

32.21 (9) employees of the Minnesota Safety Council;

32.22 (10) any employees who are on authorized leave of absence from the Transit
32.23 Operating Division of the former Metropolitan Transit Commission and who are employed
32.24 by the labor organization which is the exclusive bargaining agent representing employees
32.25 of the Transit Operating Division;

32.26 (11) employees of the Metropolitan Council, Metropolitan Parks and Open Space
32.27 Commission, ~~Metropolitan Sports Facilities Commission~~, or Metropolitan Mosquito
32.28 Control Commission unless excluded under subdivision 2b or are covered by another
32.29 public pension fund or plan under section 473.415, subdivision 3;

32.30 (12) judges of the Tax Court;

32.31 (13) personnel who were employed on June 30, 1992, by the University of
32.32 Minnesota in the management, operation, or maintenance of its heating plant facilities,
32.33 whose employment transfers to an employer assuming operation of the heating plant
32.34 facilities, so long as the person is employed at the University of Minnesota heating plant
32.35 by that employer or by its successor organization;

33.1 (14) personnel who are employed as seasonal employees in the classified or
33.2 unclassified service;

33.3 (15) persons who are employed by the Department of Commerce as a peace officer
33.4 in the Insurance Fraud Prevention Division under section 45.0135 who have attained the
33.5 mandatory retirement age specified in section 43A.34, subdivision 4;

33.6 (16) employees of the University of Minnesota unless excluded under subdivision
33.7 2b, clause (3);

33.8 (17) employees of the Middle Management Association whose employment began
33.9 after July 1, 2007, and to whom section 352.029 does not apply; and

33.10 (18) employees of the Minnesota Government Engineers Council to whom section
33.11 352.029 does not apply.

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

33.18 Sec. 4. Minnesota Statutes 2010, section 473.121, subdivision 5a, is amended to read:

33.19 Subd. 5a. **Metropolitan agency.** "Metropolitan agency" means the Metropolitan
33.20 Parks and Open Space Commission; and the Metropolitan Airports Commission; ~~and~~
33.21 ~~Metropolitan Sports Facilities Commission.~~

33.22 Sec. 5. Minnesota Statutes 2010, section 473.164, is amended to read:

33.23 **473.164 SPORTS, AIRPORT COMMISSIONS TO PAY COUNCIL COSTS.**

33.24 Subdivision 1. **Annually reimburse.** ~~The Metropolitan Sports Facilities~~
33.25 ~~Commission and the~~ Metropolitan Airports Commission shall annually reimburse the
33.26 council for costs incurred by the council in the discharge of its responsibilities relating to
33.27 the commission. The costs may be charged against any revenue sources of the commission
33.28 as determined by the commission.

33.29 Subd. 2. **Estimates, budget, transfer.** On or before May 1 of each year, the council
33.30 shall transmit to ~~each~~ the commission an estimate of the costs which the council will
33.31 incur in the discharge of its responsibilities related to the commission in the next budget
33.32 year including, without limitation, costs in connection with the preparation, review,
33.33 implementation and defense of plans, programs and budgets of the commission. ~~Each~~ The
33.34 commission shall include the estimates in its budget for the next budget year and may

34.1 transmit its comments concerning the estimated amount to the council during the budget
34.2 review process. Prior to December 15 of each year, the amount budgeted by ~~each~~ the
34.3 commission for the next budget year may be changed following approval by the council.
34.4 During each budget year, the commission shall transfer budgeted funds to the council in
34.5 advance when requested by the council.

34.6 Subd. 3. **Final statement.** At the conclusion of each budget year, the council, in
34.7 cooperation with ~~each~~ the commission, shall adopt a final statement of costs incurred by the
34.8 council for ~~each~~ the commission. Where costs incurred in the budget year have exceeded
34.9 the amount budgeted, ~~each~~ the commission shall transfer to the council the additional
34.10 moneys needed to pay the amount of the costs in excess of the amount budgeted, and shall
34.11 include a sum in its next budget. Any excess of budgeted costs over actual costs may be
34.12 retained by the council and applied to the payment of budgeted costs in the next year.

34.13 Sec. 6. Minnesota Statutes 2010, section 473.565, subdivision 1, is amended to read:

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

34.17 Sec. 7. **REPEALER.**

34.18 Minnesota Statutes 2010, sections 473.551; 473.552; 473.553, subdivisions 1, 2, 3,
34.19 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13; 473.556, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
34.20 13, 14, 16, and 17; 473.561; 473.564, subdivisions 2 and 3; 473.572; 473.581; 473.592,
34.21 subdivision 1; 473.595; 473.598; 473.599; and 473.76, are repealed.

34.22 Sec. 8. **EFFECTIVE DATE.**

34.23 This article is effective June 30, 2016.

34.24 ARTICLE 4

34.25 MINNEAPOLIS CONVENTION CENTER

34.26 Section 1. **[297A.994] CITY OF MINNEAPOLIS SALES TAX; ALLOCATION**
34.27 **OF REVENUES.**

34.28 Subdivision 1. **Scope.** Notwithstanding the provisions of section 297A.99,
34.29 subdivision 11, the provisions of this section govern the remittance of the proceeds of
34.30 taxes imposed by the city of Minneapolis under the special law.

34.31 Subd. 2. **Definitions.** (a) For purposes of this section, the following definitions
34.32 apply.

35.1 (b) "City" means the city of Minneapolis.

35.2 (c) "Special law" means Laws 1986, chapter 396, sections 4 and 5, as amended.

35.3 (d) "Tax" means the sales taxes imposed by the city under the special law.

35.4 (e) The terms defined under section 473J.03 apply for purposes of this section.

35.5 Subd. 3. **General allocation of revenues.** The commissioner shall remit the
35.6 revenues from the taxes, less the deductions listed in this subdivision, to the city at least
35.7 quarterly. The commissioner shall make the following deductions in the order listed
35.8 before distribution to the city:

35.9 (1) refunds of any of these taxes due to taxpayers, if any;

35.10 (2) the costs of collecting and administering the taxes, according to the applicable
35.11 law and agreements between the commissioner and the city. For revenues from the general
35.12 sales tax, the commissioner must deduct a proportionate share of the cost of collection, as
35.13 described in section 297A.99, subdivision 11; and

35.14 (3) notwithstanding the provisions of any agreement between the commissioner and
35.15 the city providing for collection and remittance of these taxes, the commissioner must
35.16 deposit to the general fund the amounts specified in subdivision 4.

35.17 Subd. 4. **General fund allocations.** The commissioner must retain and deposit to
35.18 the general fund the following amounts, as required by subdivision 3, clause (3):

35.19 (1) for state bond debt service support beginning in calendar year 2021, and for each
35.20 calendar year thereafter through calendar year 2046, periodic amounts so that not later
35.21 than December 31, 2046, an aggregate amount equal to a present value of \$150,000,000
35.22 has been deposited in the general fund. To determine aggregate present value, the
35.23 commissioner must consult with the commissioner of management and budget regarding
35.24 the present value dates, discount rate or rates, and schedules of annual amounts. The
35.25 present value date or dates must be based on the date or dates bonds are sold under section
35.26 16A.965, or the date or dates other state funds, if any, are deposited into the construction
35.27 fund. The discount rate or rates must be based on the true interest cost of the bonds
35.28 issued under section 16A.965, or an equivalent 30-year bond index, as determined by the
35.29 commissioner of management and budget. The schedule of annual amounts must be
35.30 certified to the commissioner by the commissioner of management and budget and the
35.31 finance officer of the city;

35.32 (2) for the capital improvement reserve appropriation to the stadium authority
35.33 beginning in calendar year 2021, and for each calendar year thereafter through calendar
35.34 year 2056, an aggregate annual amount equal to the amount paid by the state for this
35.35 purpose in that calendar year under section 473J.13, subdivision 4;

36.1 (3) for the operating expense appropriation to stadium authority beginning in
36.2 calendar year 2021, and for each calendar year thereafter through calendar year 2056, an
36.3 aggregate annual amount equal to the amount paid by the state for this purpose in that
36.4 calendar year under section 473J.13, subdivision 2;

36.5 (4) for recapture of state advances for the city share of capital improvements and
36.6 operating expenses for calendar years 2016 through 2020 beginning in calendar year 2021,
36.7 and for each calendar year thereafter until all amounts under this clause have been paid,
36.8 proportionate amounts periodically until an aggregate amount equal to the present value of
36.9 all amounts paid by the state have been deposited in the general fund. To determine the
36.10 present value of the amounts paid by the state to the authority and the present value of
36.11 amounts deposited to the general fund under this clause, the commissioner shall consult
36.12 with the commissioner of management and budget regarding the present value dates,
36.13 discount rate or rates, and schedule of annual amounts. The present value dates must be
36.14 based on the dates state funds are paid to the authority, or the dates the commissioner
36.15 of revenue deposits taxes for purposes of this clause to the general fund. The discount
36.16 rates must be based on the reasonably equivalent cost of state funds as determined by
36.17 the commissioner of management and budget. The schedule of annual amounts must
36.18 be revised to reflect amounts paid under section 473J.13, subdivision 2, paragraph (b),
36.19 and subdivision 4, paragraph (c), and taxes deposited to the general fund from time to
36.20 time under this clause, and the schedule and revised schedules must be certified to the
36.21 commissioner by the commissioner of management and budget and the finance officer of
36.22 the city, and are transferred as accrued from the general fund for repayment of advances
36.23 made by the state to the authority; and

36.24 (5) to capture increases in taxes imposed under the special law, for the benefit of the
36.25 stadium authority, beginning in calendar year 2013 and for each calendar year thereafter
36.26 through 2046, there shall be deposited to the general fund in proportionate periodic
36.27 payments in the following year, an amount equal to the following:

36.28 (i) 50 percent of the difference, if any, by which the amount of the net annual taxes
36.29 for the previous year exceeds the sum of the net actual taxes in calendar year 2011 plus
36.30 \$1,000,000, inflated at two percent per year since 2011, minus

36.31 (ii) 25 percent of the difference, if any, by which the amount of the net annual taxes
36.32 for the preceding year exceeds the sum of the net actual taxes in calendar year 2011 plus
36.33 \$3,000,000, inflated at two percent per year since 2011.

37.1 Sec. 2. Laws 1986, chapter 396, section 4, as amended by Laws 1987, chapter 55,
37.2 sections 5 and 6, and Laws 2009, chapter 88, article 4, sections 11 and 12, is amended to
37.3 read:

37.4 Sec. 4. **SALES AND USE TAX.**

37.5 Subdivision 1. **Imposition.** Notwithstanding Minnesota Statutes, section 477A.016,
37.6 or any other contrary provision of law, ordinance, or city charter, upon approval by
37.7 the city's board of estimate and taxation by a vote of at least five members, the city of
37.8 Minneapolis may by ordinance impose an additional sales tax of up to one-half of one
37.9 percent on sales taxable pursuant to Minnesota Statutes, chapter 297A that occur within
37.10 the city, and may also by ordinance impose an additional compensating use tax of up to
37.11 one-half of one percent on uses of property within the city, the sale of which would be
37.12 subject to the additional sales tax but for the fact such property was sold outside the city.
37.13 ~~The tax may not be imposed on gross receipts from sales of intoxicating liquor that are~~
37.14 ~~exempt from taxation under sections 297A.25 to 297A.257 or other provision of chapter~~
37.15 ~~297A exempting sales of intoxicating liquor and use from taxation, including amendments~~
37.16 ~~adopted after enactment of this act is imposed on the tax base defined in Minnesota~~
37.17 Statutes, section 297A.99, subdivision 4, and is subject to the credits and exclusions in
37.18 Minnesota Statutes, section 297A.99, subdivisions 7 and 8.

37.19 ~~For purposes of this subdivision, sales that occur within the city shall not include (a)~~
37.20 ~~the sale of tangible personal property (i) which, without intermediate use, is shipped or~~
37.21 ~~transported outside Minneapolis by the purchaser and thereafter used in a trade or business~~
37.22 ~~or is stored, processed, fabricated or manufactured into, attached to or incorporated into~~
37.23 ~~other tangible personal property transported or shipped outside Minneapolis and thereafter~~
37.24 ~~used in a trade or business outside Minneapolis, and which is not thereafter returned to a~~
37.25 ~~point within Minneapolis, except in the course of interstate or intrastate commerce (storage~~
37.26 ~~shall not constitute intermediate use); or (ii) which the seller delivers to a common carrier~~
37.27 ~~for delivery outside Minneapolis, places in the United States mail or parcel post directed~~
37.28 ~~to the purchaser outside Minneapolis, or delivers to the purchaser outside Minneapolis by~~
37.29 ~~means of the seller's own delivery vehicles, and which is not thereafter returned to a point~~
37.30 ~~within Minneapolis, except in the course of interstate or intrastate commerce; or (b) sales~~
37.31 ~~which would be described in clause (c) or (u) of Minnesota Statutes, section 297A.25,~~
37.32 ~~subdivision 1 if the word "Minneapolis" were substituted for the words "Minnesota"~~
37.33 ~~or "state of Minnesota" in such clauses. A tax may be imposed under this section only~~
37.34 ~~if the taxes imposed under section 5 are imposed at the maximum rate allowed under~~
37.35 ~~that section. The tax authorized by this section shall be imposed; until December 31,~~
37.36 2046. The tax may be imposed and may be adjusted periodically by the city council

38.1 in conformity with Minnesota Statutes, section 297A.99, subdivision 12, such that the
38.2 rate imposed, rounded to the next highest one-tenth of one percent, ~~does not exceed the~~
38.3 ~~rate estimated to be required to produce~~ produces revenue sufficient to finance the ~~costs~~
38.4 purposes described in ~~subdivision~~ subdivisions 3 and 4, and in Minnesota Statutes, section
38.5 297A.994, but in no case may the rate exceed one-half of one percent.

38.6 Subd. 2. **Enforcement; collection.** (a) Except as provided in paragraph (b),
38.7 these taxes shall be subject to the same interest penalties and other rules imposed
38.8 under Minnesota Statutes, chapter 297A. The commissioner of revenue may enter into
38.9 appropriate agreements with the city to provide for collection of these taxes by the state
38.10 on behalf of the city. The commissioner may charge the city a reasonable fee for its
38.11 collection from the proceeds of any taxes, as provided in Minnesota Statutes, section
38.12 297A.99, subdivision 11.

38.13 (b) A taxpayer located outside of the city of Minneapolis who collects use tax under
38.14 this section in an amount that does not exceed \$10 in a reporting period is not required to
38.15 remit that tax until the amount of use tax collected is \$10.

38.16 Subd. 3. **Use of property.** Revenues received by the city from the tax may only
38.17 be used:

38.18 ~~(1) to pay costs of collection;~~

38.19 ~~(2)~~ (1) to pay or secure the payment of any principal of, premium or interest on
38.20 bonds issued in accordance with this act;

38.21 ~~(3)~~ (2) to pay costs to acquire, design, equip, construct, improve, maintain, operate,
38.22 administer, or promote the convention center or related facilities, and other capital projects
38.23 or economic developments under subdivision 4, including financing costs related to them;

38.24 ~~(4)~~ (3) to pay reasonable and appropriate costs determined by the city to replace
38.25 housing and the ice arena removed from the site;

38.26 ~~(5)~~ (4) to maintain reserves for the foregoing purposes deemed reasonable and
38.27 appropriate by the city; and

38.28 ~~(6)~~ (5) to fund projects and for other purposes under subdivision 4.

38.29 Money for replacement housing shall be made available by the city only for new
38.30 construction, conversion of nonresidential buildings, and for rehabilitation of vacant
38.31 residential structures, only if all of the units in the newly constructed building, converted
38.32 nonresidential building, or rehabilitated residential structure are to be used for replacement
38.33 housing.

38.34 Subd. 4. **Minneapolis downtown and neighborhood projects.** (a) For revenues
38.35 collected in calendar years 2009 and 2010, to the extent that revenues from the tax
38.36 authorized in subdivision 1 exceeds the amount needed to fund the purposes in subdivision

39.1 3, the city may use the excess revenue to fund any city services. The total amount used in
39.2 both years for this purpose may not exceed the total amount of aid and credit reductions
39.3 under Minnesota Statutes, sections 273.1384 and 477A.011 to 477A.014 in calendar years
39.4 2008, 2009, and 2010 due to a governor's unallotment or due to statutory reductions.

39.5 (b) Beginning with revenues collected in calendar year 2011, to the extent that
39.6 revenues from the ~~tax~~ taxes authorized in subdivision 1 ~~exceeds~~ or in section 5 exceed
39.7 the amount needed to fund the purposes in subdivision 3, the city may use the excess
39.8 revenue in any year to fund capital projects to further residential, cultural, commercial,
39.9 and economic development in both downtown Minneapolis and the Minneapolis
39.10 neighborhoods, to fund other city expenditures in support of the capital projects, or
39.11 for other economic development, provided the city may direct excess revenue first to
39.12 convention center debt, operations, capital improvements, and marketing. The city may
39.13 issue bonds to fund any such projects or improvements using these taxes or any other
39.14 available city resources to finance or secure the bonds.

39.15 Sec. 3. Laws 1986, chapter 396, section 5, as amended by Laws 2001, First Special
39.16 Session chapter 5, article 12, section 87, is amended to read:

39.17 Sec. 5. **LIQUOR, LODGING, AND RESTAURANT TAXES.**

39.18 The city may, by resolution, levy in addition to taxes authorized by other law:

39.19 (1) a sales tax of not more than three percent on the gross receipts on retail on-sales
39.20 of intoxicating liquor and fermented malt beverages ~~described in section 473.592~~
39.21 ~~occurring in the~~ when sold at licensed on-sale liquor establishments located within the
39.22 downtown taxing area, provided that this tax may not be imposed if sales of intoxicating
39.23 liquor and fermented malt beverages are exempt from taxation under chapter 297A;

39.24 (2) a sales tax of not more than three percent on the gross receipts from the furnishing
39.25 for consideration of lodging ~~described in section 473.592~~ for a period of less than 30 days
39.26 at a hotel, motel, rooming house, tourist court, or trailer camp located within the city by a
39.27 hotel or motel which has more than 50 rooms available for lodging; the tax imposed under
39.28 this clause shall be at a rate that, when added to the sum of the rate of the sales tax imposed
39.29 under Minnesota Statutes, chapter 297A, the rate of the sales tax imposed under section 4,
39.30 and the rate of any other taxes on lodging in the city of Minneapolis, equals 13 percent; and

39.31 (3) a sales tax of not more than three percent on the gross receipts on all sales of food
39.32 primarily for consumption on or off the premises by restaurants and places of refreshment
39.33 as defined by resolution of the city that occur within the downtown taxing area.

39.34 The taxes authorized by this section shall be imposed until January 1, 2057. The taxes
39.35 shall be imposed and may be adjusted periodically by the city council such that the rates

40.1 imposed produce revenue sufficient, together with the tax imposed under section 4, to
40.2 finance the purposes described in Minnesota Statutes, section 297A.994, and section
40.3 4, subdivisions 3 and 4. These taxes shall be applied, first, as provided in Minnesota
40.4 Statutes, section 297A.994, subdivision 3, clauses (1) to (3), and then, solely to pay costs
40.5 of collection and to pay or, secure, maintain, and fund the payment of any principal of,
40.6 premium on, and interest on any bonds or any costs referred to other purposes in section 4,
40.7 subdivision 3 or 4. The commissioner of revenue may enter into appropriate agreements
40.8 with the city to provide for the collection of these taxes by the state on behalf of the city.
40.9 ~~The commissioner may charge the city a reasonable fee for its collection from the proceeds~~
40.10 ~~of any taxes.~~ These taxes shall be subject to the same interest penalties and enforcement
40.11 provisions as the taxes imposed under ~~section 473.592~~ Minnesota Statutes, chapter 297A.

40.12 Sec. 4. **CHARTER LIMITATIONS NOT TO APPLY.**

40.13 Any amounts expended, indebtedness or obligation incurred including, but not
40.14 limited to, the issuance of bonds, or actions taken by the city under this article for the
40.15 Target Center are not deemed an expenditure or other use of city resources within the
40.16 meaning of any law or charter limitation. The city may exercise any of its powers
40.17 under this article regarding the Target Center to spend, borrow, tax, or incur any form
40.18 of indebtedness or other obligation, for the improvement, including, but not limited to,
40.19 acquisition, development, construction, or betterment, of any public building, stadium, or
40.20 other capital improvement project, without regard to any charter limitation or provision.
40.21 Any tax exemption regarding the Target Center established under this article shall not be
40.22 deemed an expenditure or other use of city resources within the meaning of any charter
40.23 limitation.

40.24 Sec. 5. **EFFECTIVE DATE; LOCAL APPROVAL.**

40.25 This article is effective the day after the governing body of the city of Minneapolis
40.26 and its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions
40.27 2 and 3. Notwithstanding any law to the contrary, the city of Minneapolis and its chief
40.28 clerical officer have 30 calendar days following final enactment of this act, to comply with
40.29 Minnesota Statutes, section 645.021, subdivisions 2 and 3.

40.30 Sec. 6. **SEVERABILITY; SAVINGS.**

40.31 If any part of this article is found to be invalid because it is in conflict with a
40.32 provision of the Minnesota Constitution or for any other reason, all other provisions of
40.33 this article shall remain valid and any rights, remedies, and privileges that have been

41.1 otherwise accrued by this article, shall remain in effect and may be proceeded with and
41.2 concluded under the provisions of this article.

41.3 Sec. 7. **LOCAL SALES TAX REQUIREMENTS NOT TO APPLY.**

41.4 The taxes authorized under Laws 1986, chapter 396, sections 4 and 5, as amended,
41.5 are exempt from the requirements of Minnesota Statutes, section 297A.99, subdivisions
41.6 2 and 3.

41.7 **ARTICLE 5**

41.8 **LAWFUL GAMBLING**

41.9 Section 1. Minnesota Statutes 2010, section 349.12, subdivision 3b, is amended to read:

41.10 Subd. 3b. **Bar operation.** "Bar operation" means a method of selling and redeeming
41.11 disposable gambling equipment by an employee of the lessor within a leased premises
41.12 which is licensed for the on-sale of alcoholic beverages ~~where such sales and redemptions~~
41.13 ~~are made by an employee of the lessor from a common area where food and beverages~~
41.14 ~~are also sold.~~

41.15 Sec. 2. Minnesota Statutes 2010, section 349.12, subdivision 3c, is amended to read:

41.16 Subd. 3c. **Bar bingo.** "Bar bingo" is a bingo occasion conducted at a permitted
41.17 premises in an area where intoxicating liquor or 3.2 percent malt beverages are sold and
41.18 where the licensed organization conducts another form of lawful gambling. Bar bingo
41.19 does not include bingo games linked to other permitted premises.

41.20 Sec. 3. Minnesota Statutes 2010, section 349.12, subdivision 5, is amended to read:

41.21 Subd. 5. **Bingo occasion.** "Bingo occasion" means a single gathering or session at
41.22 which a series of one or more successive bingo games is played. There is no limit on the
41.23 number of games conducted during a bingo occasion ~~but~~. A bingo occasion must not last
41.24 longer than eight consecutive hours, except that linked bingo games played on electronic
41.25 bingo devices may be played during regular business hours of the permitted premises,
41.26 and all play during this period is considered a bingo occasion for reporting purposes. For
41.27 permitted premises where the primary business is bingo, regular business hours shall be
41.28 defined as the hours between 8:00 a.m. and 2:00 a.m.

41.29 Sec. 4. Minnesota Statutes 2010, section 349.12, subdivision 6a, is amended to read:

41.30 Subd. 6a. **Booth operation.** "Booth operation" means a method of selling and
41.31 redeeming disposable gambling equipment by an employee of a licensed organization in

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42.1 a premises the organization leases or owns ~~where such sales and redemptions are made~~
42.2 ~~within a separate enclosure that is distinct from areas where food and beverages are sold.~~

42.3 Sec. 5. Minnesota Statutes 2010, section 349.12, subdivision 12a, is amended to read:

42.4 Subd. 12a. **Electronic bingo device.** "Electronic bingo device" means ~~an a~~
42.5 handheld and portable electronic device that:

42.6 (1) is used by a bingo player to:

42.7 (i) monitor bingo paper sheets or a facsimile of a bingo paper sheet ~~when purchased~~
42.8 and played at the time and place of an organization's bingo occasion ~~and which (1)~~
42.9 provides a means for bingo players to, or to play an electronic bingo game that is linked
42.10 with other permitted premises;

42.11 (ii) activate numbers announced by a bingo caller; ~~(2) compares or displayed, and~~
42.12 to compare the numbers entered by the player to the bingo faces previously stored in
42.13 the memory of the device; ~~and~~

42.14 ~~(3) identifies~~(iii) identify a winning bingo pattern; or game requirement; and

42.15 (iv) play against other bingo players;

42.16 (2) limits the play of bingo faces to 36 faces per game;

42.17 (3) requires coded entry to activate play but does not allow the use of a coin,
42.18 currency, or tokens to be inserted to activate play;

42.19 (4) may only be used for play against other bingo players in a bingo game;

42.20 (5) has no additional function as an amusement or gambling device other than as an
42.21 electronic pull-tab game as defined under section 349.12, subdivision 12c;

42.22 (6) has the capability to ensure adequate levels of security and internal controls;

42.23 (7) has the capability to permit the board to electronically monitor the operation of
42.24 the device and the internal accounting systems; and

42.25 (8) has the capability to allow use by a player who is visually impaired.

42.26 ~~Electronic bingo device does not mean any device into which coin, currency, or tokens are~~
42.27 ~~inserted to activate play.~~

42.28 Sec. 6. Minnesota Statutes 2010, section 349.12, is amended by adding a subdivision
42.29 to read:

42.30 Subd. 12b. **Electronic pull-tab device.** "Electronic pull-tab device" means a
42.31 handheld and portable electronic device that:

42.32 (1) is used to play one or more electronic pull-tab games;

42.33 (2) requires coded entry to activate play but does not allow the use of coin, currency,
42.34 or tokens to be inserted to activate play;

43.1 (3) requires that a player must activate or open each electronic pull-tab ticket and
43.2 have the option to open all tabs of a ticket at the same time or open each individual line,
43.3 row, or column of each electronic pull-tab ticket;

43.4 (4) maintains information pertaining to accumulated win credits that may be applied
43.5 to games in play or redeemed upon termination of play;

43.6 (5) has no spinning symbols or other representations that mimic a video slot machine;

43.7 (6) has no additional function as a gambling device other than as an electronic-linked
43.8 bingo game played on a device defined under section 349.12, subdivision 12a;

43.9 (7) may incorporate an amusement game feature as part of the pull-tab game but
43.10 may not require additional consideration for that feature or award any prize, or other
43.11 benefit for that feature;

43.12 (8) may have auditory or visual enhancements to promote or provide information
43.13 about the game being played, provided the component does not affect the outcome of
43.14 a game or display the results of a game;

43.15 (9) maintains, on nonresettable meters, a printable, permanent record of all
43.16 transactions involving each device and electronic pull-tab games played on the device;

43.17 (10) is not a pull-tab dispensing device as defined under subdivision 32a; and

43.18 (11) has the capability to allow use by a player who is visually impaired.

43.19 Sec. 7. Minnesota Statutes 2010, section 349.12, is amended by adding a subdivision
43.20 to read:

43.21 Subd. 12c. **Electronic pull-tab game.** "Electronic pull-tab game" means a pull-tab
43.22 game containing:

43.23 (1) facsimiles of pull-tab tickets that are played on an electronic pull-tab device;

43.24 (2) a predetermined, finite number of winning and losing tickets, not to exceed
43.25 7,500 tickets;

43.26 (3) the same price for each ticket in the game;

43.27 (4) a price paid by the player of not less than 25 cents per ticket;

43.28 (5) tickets that are in conformance with applicable board rules for pull-tabs;

43.29 (6) winning tickets that comply with prize limits under section 349.211;

43.30 (7) a unique serial number that may not be regenerated;

43.31 (8) an electronic flare that displays the game name, form number, predetermined,
43.32 finite number of tickets in the game, and prize tier; and

43.33 (9) no spinning symbols or other representations that mimic a video slot machine.

44.1 Sec. 8. Minnesota Statutes 2010, section 349.12, is amended by adding a subdivision
44.2 to read:

44.3 Subd. 12d. **Electronic pull-tab game system.** "Electronic pull-tab game system"
44.4 means the equipment leased from a licensed distributor and used by a licensed organization
44.5 to conduct, manage, and record electronic pull-tab games, and to report and transmit the
44.6 game results as prescribed by the board and the Department of Revenue. The system must
44.7 provide security and access levels sufficient so that internal control objectives are met as
44.8 prescribed by the board. The system must contain a point-of-sale station.

44.9 Sec. 9. Minnesota Statutes 2010, section 349.12, subdivision 18, is amended to read:

44.10 Subd. 18. **Gambling equipment.** "Gambling equipment" means gambling
44.11 equipment that is either disposable or permanent gambling equipment.

44.12 (a) Disposable gambling equipment includes the following:

44.13 (1) bingo hard cards or paper sheets, including linked bingo paper sheets, devices for
44.14 selecting bingo numbers, electronic bingo devices;

44.15 (2) paper and electronic pull-tabs;

44.16 (3) jar tickets, paddle wheels, paddle wheel tables;

44.17 (4) paddle tickets, and paddle ticket cards;

44.18 (5) tipboards, and tipboard tickets; and

44.19 (6) promotional tickets that mimic a pull-tab or tipboard, pull-tab dispensing devices,
44.20 and programmable electronic devices that have no effect on the outcome of a game and
44.21 are used to provide a visual or auditory enhancement of a game.

44.22 (b) Permanent gambling equipment includes the following:

44.23 (1) devices for selecting bingo numbers;

44.24 (2) electronic bingo devices;

44.25 (3) electronic pull-tab devices;

44.26 (4) pull-tab dispensing devices;

44.27 (5) programmable electronic devices that have no effect on the outcome of a game
44.28 and are used to provide a visual or auditory enhancement of a game;

44.29 (6) paddle wheels; and

44.30 (7) paddle wheel tables.

44.31 Sec. 10. Minnesota Statutes 2010, section 349.12, subdivision 25, is amended to read:

44.32 Subd. 25. **Lawful purpose.** (a) "Lawful purpose" means one or more of the
44.33 following:

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45.1 (1) any expenditure by or contribution to a 501(c)(3) or festival organization, as
45.2 defined in subdivision 15a, provided that the organization and expenditure or contribution
45.3 are in conformity with standards prescribed by the board under section 349.154, which
45.4 standards must apply to both types of organizations in the same manner and to the same
45.5 extent;

45.6 (2) a contribution to or expenditure for goods and services for an individual or
45.7 family suffering from poverty, homelessness, or disability, which is used to relieve the
45.8 effects of that suffering;

45.9 (3) a contribution to a program recognized by the Minnesota Department of Human
45.10 Services for the education, prevention, or treatment of problem gambling;

45.11 (4) a contribution to or expenditure on a public or private nonprofit educational
45.12 institution registered with or accredited by this state or any other state;

45.13 (5) a contribution to an individual, public or private nonprofit educational institution
45.14 registered with or accredited by this state or any other state, or to a scholarship fund of a
45.15 nonprofit organization whose primary mission is to award scholarships, for defraying the
45.16 cost of education to individuals where the funds are awarded through an open and fair
45.17 selection process;

45.18 (6) activities by an organization or a government entity which recognize military
45.19 service to the United States, the state of Minnesota, or a community, subject to rules
45.20 of the board, provided that the rules must not include mileage reimbursements in the
45.21 computation of the per diem reimbursement limit and must impose no aggregate annual
45.22 limit on the amount of reasonable and necessary expenditures made to support:

45.23 (i) members of a military marching or color guard unit for activities conducted
45.24 within the state;

45.25 (ii) members of an organization solely for services performed by the members at
45.26 funeral services;

45.27 (iii) members of military marching, color guard, or honor guard units may be
45.28 reimbursed for participating in color guard, honor guard, or marching unit events within
45.29 the state or states contiguous to Minnesota at a per participant rate of up to \$35 per diem; or

45.30 (iv) active military personnel and their immediate family members in need of
45.31 support services;

45.32 (7) recreational, community, and athletic facilities and activities intended primarily
45.33 for persons under age 21, provided that such facilities and activities do not discriminate on
45.34 the basis of gender and the organization complies with section 349.154, subdivision 3a;

45.35 (8) payment of local taxes authorized under this chapter, taxes imposed by the
45.36 United States on receipts from lawful gambling, the taxes imposed by section 297E.02,

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46.1 subdivisions 1, ~~4~~, 5, and 6, and the tax imposed on unrelated business income by section
46.2 290.05, subdivision 3;

46.3 (9) payment of real estate taxes and assessments on permitted gambling premises
46.4 owned by the licensed organization paying the taxes, or wholly leased by a licensed
46.5 veterans organization under a national charter recognized under section 501(c)(19) of the
46.6 Internal Revenue Code;

46.7 (10) a contribution to the United States, this state or any of its political subdivisions,
46.8 or any agency or instrumentality thereof other than a direct contribution to a law
46.9 enforcement or prosecutorial agency;

46.10 (11) a contribution to or expenditure by a nonprofit organization which is a church
46.11 or body of communicants gathered in common membership for mutual support and
46.12 edification in piety, worship, or religious observances;

46.13 (12) an expenditure for citizen monitoring of surface water quality by individuals
46.14 or nongovernmental organizations that is consistent with section 115.06, subdivision 4,
46.15 and Minnesota Pollution Control Agency guidance on monitoring procedures, quality
46.16 assurance protocols, and data management, provided that the resulting data is submitted
46.17 to the Minnesota Pollution Control Agency for review and inclusion in the state water
46.18 quality database;

46.19 (13) a contribution to or expenditure on projects or activities approved by the
46.20 commissioner of natural resources for:

46.21 (i) wildlife management projects that benefit the public at large;

46.22 (ii) grant-in-aid trail maintenance and grooming established under sections 84.83
46.23 and 84.927, and other trails open to public use, including purchase or lease of equipment
46.24 for this purpose; and

46.25 (iii) supplies and materials for safety training and educational programs coordinated
46.26 by the Department of Natural Resources, including the Enforcement Division;

46.27 (14) conducting nutritional programs, food shelves, and congregate dining programs
46.28 primarily for persons who are age 62 or older or disabled;

46.29 (15) a contribution to a community arts organization, or an expenditure to sponsor
46.30 arts programs in the community, including but not limited to visual, literary, performing,
46.31 or musical arts;

46.32 (16) an expenditure by a licensed fraternal organization or a licensed veterans
46.33 organization for payment of water, fuel for heating, electricity, and sewer costs for:

46.34 (i) up to 100 percent for a building wholly owned or wholly leased by and used as
46.35 the primary headquarters of the licensed veteran or fraternal organization; or

47.1 (ii) a proportional amount subject to approval by the director and based on the
47.2 portion of a building used as the primary headquarters of the licensed veteran or fraternal
47.3 organization;

47.4 (17) expenditure by a licensed veterans organization of up to \$5,000 in a calendar
47.5 year in net costs to the organization for meals and other membership events, limited to
47.6 members and spouses, held in recognition of military service. No more than \$5,000 can be
47.7 expended in total per calendar year under this clause by all licensed veterans organizations
47.8 sharing the same veterans post home;

47.9 (18) payment of fees authorized under this chapter imposed by the state of Minnesota
47.10 to conduct lawful gambling in Minnesota;

47.11 (19) a contribution or expenditure to honor an individual's humanitarian service
47.12 as demonstrated through philanthropy or volunteerism to the United States, this state,
47.13 or local community;

47.14 (20) a contribution by a licensed organization to another licensed organization with
47.15 prior board approval, with the contribution designated to be used for one or more of the
47.16 following lawful purposes under this section: clauses (1) to (7), (11) to (15), (19), and (25);

47.17 (21) an expenditure that is a contribution to a parent organization, if the parent
47.18 organization: (i) has not provided to the contributing organization within one year of the
47.19 contribution any money, grants, property, or other thing of value, and (ii) has received
47.20 prior board approval for the contribution that will be used for a program that meets one or
47.21 more of the lawful purposes under subdivision 7a;

47.22 (22) an expenditure for the repair, maintenance, or improvement of real property
47.23 and capital assets owned by an organization, or for the replacement of a capital asset that
47.24 can no longer be repaired, with a fiscal year limit of five percent of gross profits from
47.25 the previous fiscal year, with no carryforward of unused allowances. The fiscal year is
47.26 July 1 through June 30. Total expenditures for the fiscal year may not exceed the limit
47.27 unless the board has specifically approved the expenditures that exceed the limit due to
47.28 extenuating circumstances beyond the organization's control. An expansion of a building
47.29 or bar-related expenditures are not allowed under this provision.

47.30 (i) The expenditure must be related to the portion of the real property or capital asset
47.31 that must be made available for use free of any charge to other nonprofit organizations,
47.32 community groups, or service groups, or is used for the organization's primary mission or
47.33 headquarters.

47.34 (ii) An expenditure may be made to bring an existing building that the organization
47.35 owns into compliance with the Americans with Disabilities Act.

48.1 (iii) An organization may apply the amount that is allowed under item (ii) to the
48.2 erection or acquisition of a replacement building that is in compliance with the Americans
48.3 with Disabilities Act if the board has specifically approved the amount. The cost of
48.4 the erection or acquisition of a replacement building may not be made from gambling
48.5 proceeds, except for the portion allowed under this item;

48.6 (23) an expenditure for the acquisition or improvement of a capital asset with a cost
48.7 greater than \$2,000, excluding real property, that will be used exclusively for lawful
48.8 purposes under this section if the board has specifically approved the amount;

48.9 (24) an expenditure for the acquisition, erection, improvement, or expansion of real
48.10 property, if the board has first specifically authorized the expenditure after finding that the
48.11 real property will be used exclusively for lawful purpose under this section; or

48.12 (25) an expenditure, including a mortgage payment or other debt service payment,
48.13 for the erection or acquisition of a comparable building to replace an organization-owned
48.14 building that was destroyed or made uninhabitable by fire or catastrophe or to replace an
48.15 organization-owned building that was taken or sold under an eminent domain proceeding.
48.16 The expenditure may be only for that part of the replacement cost not reimbursed by
48.17 insurance for the fire or catastrophe or compensation not received from a governmental
48.18 unit under the eminent domain proceeding, if the board has first specifically authorized
48.19 the expenditure.

48.20 (b) Expenditures authorized by the board under clauses (24) and (25) must be
48.21 51 percent completed within two years of the date of board approval; otherwise the
48.22 organization must reapply to the board for approval of the project. "Fifty-one percent
48.23 completed" means that the work completed must represent at least 51 percent of the value
48.24 of the project as documented by the contractor or vendor.

48.25 (c) Notwithstanding paragraph (a), "lawful purpose" does not include:

48.26 (1) any expenditure made or incurred for the purpose of influencing the nomination
48.27 or election of a candidate for public office or for the purpose of promoting or defeating a
48.28 ballot question;

48.29 (2) any activity intended to influence an election or a governmental decision-making
48.30 process;

48.31 (3) a contribution to a statutory or home rule charter city, county, or town by a
48.32 licensed organization with the knowledge that the governmental unit intends to use the
48.33 contribution for a pension or retirement fund; or

48.34 (4) a contribution to a 501(c)(3) organization or other entity with the intent or effect
48.35 of not complying with lawful purpose restrictions or requirements.

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49.1 Sec. 11. Minnesota Statutes 2010, section 349.12, subdivision 25b, is amended to read:

49.2 Subd. 25b. **Linked bingo game provider.** "Linked bingo game provider" means
49.3 any person who provides the means to link bingo prizes in a linked bingo game, who
49.4 provides linked bingo paper sheets to the participating organizations games, who provides
49.5 linked bingo prize management, and who provides the linked bingo game system.

49.6 Sec. 12. Minnesota Statutes 2010, section 349.12, subdivision 25c, is amended to read:

49.7 Subd. 25c. **Linked bingo game system.** "Linked bingo game system" means the
49.8 equipment used by the linked bingo provider to conduct, transmit, and track a linked
49.9 bingo game. The system must be approved by the board before its use in this state and
49.10 it must have ~~dial-up or other~~ the capability to permit the board to electronically monitor
49.11 its operation remotely. For linked electronic bingo games, the system includes electronic
49.12 bingo devices.

49.13 Sec. 13. Minnesota Statutes 2010, section 349.12, subdivision 25d, is amended to read:

49.14 Subd. 25d. **Linked bingo prize pool.** "Linked bingo prize pool" means the total
49.15 of all prize money that each participating organization has contributed to a linked bingo
49.16 game prize and includes any portion of the prize pool that is carried over from one
49.17 ~~occasion~~ game to another in a progressive linked bingo game.

49.18 Sec. 14. Minnesota Statutes 2010, section 349.12, subdivision 29, is amended to read:

49.19 Subd. 29. **Paddle wheel.** "Paddle wheel" means a vertical wheel marked off into
49.20 sections containing one or more numbers, and which, after being turned or spun, uses a
49.21 pointer or marker to indicate winning chances, and may only be used to determine a
49.22 winning number or numbers matching a winning paddle ticket purchased by a player. A
49.23 paddle wheel may be an electronic device that simulates a paddle wheel.

49.24 Sec. 15. Minnesota Statutes 2010, section 349.12, subdivision 31, is amended to read:

49.25 Subd. 31. **Promotional ticket.** A paper pull-tab ticket or paper tipboard ticket
49.26 created and printed by a licensed manufacturer with the words "no purchase necessary" and
49.27 "for promotional use only" and for which no consideration is given is a promotional ticket.

49.28 Sec. 16. Minnesota Statutes 2010, section 349.12, subdivision 32, is amended to read:

49.29 Subd. 32. **Pull-tab.** "Pull-tab" means a single folded or banded paper ticket ~~or a~~
49.30 multi-ply card with perforated break-open tabs, or a facsimile of a paper pull-tab ticket
49.31 used in conjunction with an electronic pull-tab device, the face of which is initially

50.1 covered to conceal one or more numbers or symbols, and where one or more of each set of
50.2 tickets ~~or~~, cards, or facsimiles has been designated in advance as a winner.

50.3 Sec. 17. Minnesota Statutes 2010, section 349.13, is amended to read:

50.4 **349.13 LAWFUL GAMBLING.**

50.5 Lawful gambling is not a lottery or gambling within the meaning of sections 609.75
50.6 to 609.76 if it is conducted under this chapter. A pull-tab dispensing device, electronic
50.7 bingo device, and electronic pull-tab device permitted under this chapter and by board
50.8 rule is not a gambling device within the meaning of sections 609.75 to 609.76 and chapter
50.9 299L. An electronic game device allowed under this chapter may not be a slot machine.
50.10 Electronic game devices, including, but not limited to, electronic bingo devices, electronic
50.11 paddle wheels, and electronic pull-tab devices authorized under this chapter, may only
50.12 be used in the conduct of lawful gambling permitted under this chapter and board rule
50.13 and may not display or simulate any other form of gambling or entertainment, except
50.14 as otherwise allowed under this chapter.

50.15 Sec. 18. Minnesota Statutes 2010, section 349.151, subdivision 4b, is amended to read:

50.16 Subd. 4b. **Pull-tab sales from dispensing devices.** ~~(a)~~ The board may by rule
50.17 authorize but not require the use of pull-tab dispensing devices.

50.18 ~~(b) Rules adopted under paragraph (a):~~

50.19 ~~(1) must limit the number of pull-tab dispensing devices on any permitted premises~~
50.20 ~~to three; and~~

50.21 ~~(2) must limit the use of pull-tab dispensing devices to a permitted premises which is~~
50.22 ~~(i) a licensed premises for on-sales of intoxicating liquor or 3.2 percent malt beverages;~~
50.23 ~~or (ii) a premises where bingo is conducted and admission is restricted to persons 18~~
50.24 ~~years or older.~~

50.25 ~~(c) Notwithstanding rules adopted under paragraph (b), pull-tab dispensing devices~~
50.26 ~~may be used in establishments licensed for the off-sale of intoxicating liquor, other than~~
50.27 ~~drugstores and general food stores licensed under section 340A.405, subdivision 1.~~

50.28 Sec. 19. Minnesota Statutes 2010, section 349.151, subdivision 4c, is amended to read:

50.29 Subd. 4c. **Electronic bingo devices.** (a) The board may by rule authorize but not
50.30 require the use of electronic bingo devices.

50.31 ~~(b) Rules adopted under paragraph (a):~~

50.32 ~~(1) must limit the number of bingo faces that can be played using an electronic~~
50.33 ~~bingo device to 36;~~

51.1 ~~(2) must require that an electronic bingo device be used with corresponding bingo~~
51.2 ~~paper sheets or a facsimile, printed at the point of sale, as approved by the board;~~

51.3 ~~(3) must require that the electronic bingo device site system have dial-up capability~~
51.4 ~~to permit the board to remotely monitor the operation of the device and the internal~~
51.5 ~~accounting systems; and~~

51.6 ~~(4) must prohibit the price of a face played on an electronic bingo device from being~~
51.7 ~~less than the price of a face on a bingo paper sheet sold at the same occasion.~~

51.8 (b) The board, or the director if authorized by the board, may require the deactivation
51.9 of an electronic bingo device for violation of a law or rule and to implement any other
51.10 controls deemed necessary to ensure and maintain the integrity of electronic bingo devices
51.11 and the electronic bingo games played on the devices.

51.12 Sec. 20. Minnesota Statutes 2010, section 349.151, is amended by adding a subdivision
51.13 to read:

51.14 Subd. 4d. **Electronic pull-tab devices and electronic pull-tab game system.** (a)
51.15 The board may adopt rules it deems necessary to ensure the integrity of electronic pull-tab
51.16 devices, the electronic pull-tab games played on the devices, and the electronic pull-tab
51.17 game system necessary to operate them.

51.18 (b) The board may not require an organization to use electronic pull-tab devices.

51.19 (c) Before authorizing the lease or sale of electronic pull-tab devices and the
51.20 electronic pull-tab game system, the board shall examine electronic pull-tab devices
51.21 allowed under section 349.12, subdivision 12b. The board may contract for the
51.22 examination of the game system and electronic pull-tab devices and may require a working
51.23 model to be transported to locations the board designates for testing, examination, and
51.24 analysis. The manufacturer must pay all costs of any testing, examination, analysis, and
51.25 transportation of the model. The system must be approved by the board before its use in
51.26 the state and must have the capability to permit the board to electronically monitor its
51.27 operation and internal accounting systems.

51.28 (d) The board may require a manufacturer to submit a certificate from an independent
51.29 testing laboratory approved by the board to perform testing services, stating that the
51.30 equipment has been tested, analyzed, and meets the standards required in this chapter
51.31 and any applicable board rules.

51.32 (e) The board, or the director if authorized by the board, may require the deactivation
51.33 of an electronic pull-tab device for violation of a law or rule and to implement any other
51.34 controls deemed necessary to ensure and maintain the integrity of electronic pull-tab
51.35 devices and the electronic pull-tab games played on the devices.

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52.1 Sec. 21. Minnesota Statutes 2010, section 349.155, subdivision 3, is amended to read:

52.2 Subd. 3. **Mandatory disqualifications.** (a) In the case of licenses for manufacturers,
52.3 distributors, distributor salespersons, linked bingo game providers, and gambling
52.4 managers, the board may not issue or renew a license under this chapter, and shall revoke
52.5 a license under this chapter, if the applicant or licensee, or a director, officer, partner,
52.6 governor, or person in a supervisory or management position of the applicant or licensee:

52.7 (1) has ever been convicted of a felony or a crime involving gambling;

52.8 (2) has ever been convicted of (i) assault, (ii) a criminal violation involving the use
52.9 of a firearm, or (iii) making terroristic threats;

52.10 (3) is or has ever been connected with or engaged in an illegal business;

52.11 (4) owes \$500 or more in delinquent taxes as defined in section 270C.72;

52.12 (5) had a sales and use tax permit revoked by the commissioner of revenue within
52.13 the past two years; or

52.14 (6) after demand, has not filed tax returns required by the commissioner of revenue.

52.15 The board may deny or refuse to renew a license under this chapter, and may revoke a
52.16 license under this chapter, if any of the conditions in this paragraph are applicable to
52.17 an affiliate or direct or indirect holder of more than a five percent financial interest in
52.18 the applicant or licensee.

52.19 (b) In the case of licenses for organizations, the board may not issue a license under
52.20 this chapter, and shall revoke a license under this chapter, if the organization, or an officer
52.21 or member of the governing body of the organization:

52.22 (1) has been convicted of a felony or gross misdemeanor involving theft or fraud; or

52.23 (2) has ever been convicted of a crime involving gambling; ~~or~~

52.24 ~~(3) has had a license issued by the board or director permanently revoked for~~
52.25 ~~violation of law or board rule.~~

52.26 Sec. 22. Minnesota Statutes 2010, section 349.155, subdivision 4, is amended to read:

52.27 Subd. 4. **License revocation, suspension, denial; censure.** (a) The board may by
52.28 order (i) deny, suspend, revoke, or refuse to renew a license or premises permit, or (ii)
52.29 censure a licensee or applicant, if it finds that the order is in the public interest and that the
52.30 applicant or licensee, or a director, officer, partner, governor, person in a supervisory or
52.31 management position of the applicant or licensee, an employee eligible to make sales on
52.32 behalf of the applicant or licensee, or direct or indirect holder of more than a five percent
52.33 financial interest in the applicant or licensee:

52.34 (1) has violated or failed to comply with any provision of this chapter or chapter
52.35 297E or 299L, or any rule adopted or order issued thereunder;

53.1 (2) has filed an application for a license that is incomplete in any material respect, or
53.2 contains a statement that, in light of the circumstances under which it was made, is false,
53.3 misleading, fraudulent, or a misrepresentation;

53.4 (3) has made a false statement in a document or report required to be submitted to
53.5 the board or the commissioner of revenue, or has made a false statement to the board, the
53.6 compliance review group, or the director;

53.7 (4) has been convicted of a crime in another jurisdiction that would be a felony if
53.8 committed in Minnesota;

53.9 (5) is permanently or temporarily enjoined by any gambling regulatory agency from
53.10 engaging in or continuing any conduct or practice involving any aspect of gambling;

53.11 (6) has had a gambling-related license revoked or suspended, or has paid or been
53.12 required to pay a monetary penalty of \$2,500 or more, by a gambling regulator in another
53.13 state or jurisdiction;

53.14 (7) has been the subject of any of the following actions by the director of alcohol
53.15 and gambling enforcement or commissioner of public safety: (i) had a license under
53.16 chapter 299L denied, suspended, or revoked, (ii) been censured, reprimanded, has paid or
53.17 been required to pay a monetary penalty or fine, or (iii) has been the subject of any other
53.18 discipline by the director or commissioner;

53.19 (8) has engaged in conduct that is contrary to the public health, welfare, or safety, or
53.20 to the integrity of gambling; or

53.21 (9) based on past activities or criminal record poses a threat to the public interest or
53.22 to the effective regulation and control of gambling, or creates or enhances the dangers of
53.23 unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gambling
53.24 or the carrying on of the business and financial arrangements incidental to the conduct of
53.25 gambling.

53.26 (b) The revocation or suspension of an organization's license may not exceed a
53.27 period of ten years, including any revocation or suspension imposed by the board prior to
53.28 the effective date of this paragraph, except that:

53.29 (1) any prohibition placed by the board on who may be involved in the conduct,
53.30 oversight, or management of the revoked organization's lawful gambling activity is
53.31 permanent; and

53.32 (2) a revocation or suspension will remain in effect until any taxes, fees, and fines
53.33 that are delinquent have been paid by the organization to the satisfaction of the board.

53.34 Sec. 23. Minnesota Statutes 2010, section 349.161, subdivision 1, is amended to read:

53.35 Subdivision 1. **Prohibited acts; licenses required.** (a) No person may:

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54.1 (1) sell, offer for sale, or furnish gambling equipment for use within the state other
54.2 than for lawful gambling exempt or excluded from licensing, except to an organization
54.3 licensed for lawful gambling;

54.4 (2) sell, offer for sale, or furnish gambling equipment for use within the state without
54.5 having obtained a distributor license or a distributor salesperson license under this section
54.6 except that an organization authorized to conduct bingo by the board may loan bingo
54.7 hard cards and devices for selecting bingo numbers to another organization authorized to
54.8 conduct bingo and a linked bingo game provider may provide electronic bingo devices for
54.9 linked electronic bingo games;

54.10 (3) sell, offer for sale, or furnish gambling equipment for use within the state that is
54.11 not purchased or obtained from a manufacturer or distributor licensed under this chapter; or

54.12 (4) sell, offer for sale, or furnish gambling equipment for use within the state that
54.13 has the same serial number as another item of gambling equipment of the same type sold
54.14 or offered for sale or furnished for use in the state by that distributor.

54.15 (b) No licensed distributor salesperson may sell, offer for sale, or furnish gambling
54.16 equipment for use within the state without being employed by a licensed distributor or
54.17 owning a distributor license.

54.18 (c) No distributor or distributor salesperson may also be licensed as a linked bingo
54.19 game provider under section 349.1635.

54.20 Sec. 24. Minnesota Statutes 2010, section 349.161, subdivision 5, is amended to read:

54.21 Subd. 5. **Prohibition.** (a) No distributor, distributor salesperson, or other employee
54.22 of a distributor, may also be a wholesale distributor of alcoholic beverages or an employee
54.23 of a wholesale distributor of alcoholic beverages.

54.24 (b) No distributor, distributor salesperson, or any representative, agent, affiliate, or
54.25 other employee of a distributor, may: (1) be involved in the conduct of lawful gambling
54.26 by an organization; (2) keep or assist in the keeping of an organization's financial records,
54.27 accounts, and inventories; or (3) prepare or assist in the preparation of tax forms and other
54.28 reporting forms required to be submitted to the state by an organization.

54.29 (c) No distributor, distributor salesperson, or any representative, agent, affiliate,
54.30 or other employee of a distributor may provide a lessor of gambling premises any
54.31 compensation, gift, gratuity, premium, or other thing of value.

54.32 (d) No distributor, distributor salesperson, or any representative, agent, affiliate, or
54.33 other employee of a distributor may provide an employee or agent of the organization
54.34 any compensation, gift, gratuity, premium, or other thing of value greater than \$25 per
54.35 organization in a calendar year.

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55.1 (e) No distributor, distributor salesperson, or any representative, agent, affiliate, or
55.2 other employee of a distributor may participate in any gambling activity at any gambling
55.3 site or premises where gambling equipment purchased or leased from that distributor or
55.4 distributor salesperson is being used in the conduct of lawful gambling.

55.5 (f) No distributor, distributor salesperson, or any representative, agent, affiliate, or
55.6 other employee of a distributor may alter or modify any gambling equipment, except to
55.7 add a "last ticket sold" prize sticker for a paper pull-tab game.

55.8 (g) No distributor, distributor salesperson, or any representative, agent, affiliate, or
55.9 other employee of a distributor may: (1) recruit a person to become a gambling manager
55.10 of an organization or identify to an organization a person as a candidate to become
55.11 gambling manager for the organization; or (2) identify for an organization a potential
55.12 gambling location.

55.13 (h) No distributor or distributor salesperson may purchase or lease gambling
55.14 equipment for resale or lease to a person for use within the state from any person not
55.15 licensed as a manufacturer under section 349.163, except for gambling equipment
55.16 returned from an organization licensed under section 349.16, or exempt or excluded from
55.17 licensing under section 349.166.

55.18 (i) No distributor or distributor salesperson may sell gambling equipment, except
55.19 gambling equipment identified as a promotional ticket, to any person for use in Minnesota
55.20 other than (i) a licensed organization or organization excluded or exempt from licensing,
55.21 or (ii) the governing body of an Indian tribe.

55.22 (j) No distributor or distributor salesperson may sell or otherwise provide a paper
55.23 pull-tab or tipboard deal with the symbol required by section 349.163, subdivision 5,
55.24 paragraph (d), visible on the flare to any person other than in Minnesota to a licensed
55.25 organization or organization exempt from licensing.

55.26 Sec. 25. Minnesota Statutes 2010, section 349.162, subdivision 5, is amended to read:

55.27 Subd. 5. **Sales from facilities.** (a) All gambling equipment purchased or possessed
55.28 by a licensed distributor for resale or lease to any person for use in Minnesota must, prior
55.29 to the equipment's resale or lease, be unloaded into a storage facility located in Minnesota
55.30 which the distributor owns or leases; and which has been registered, in advance and in
55.31 writing, with the Division of Alcohol and Gambling Enforcement as a storage facility of
55.32 the distributor. All unregistered gambling equipment and all unaffixed registration stamps
55.33 owned by, or in the possession of, a licensed distributor in the state of Minnesota shall be
55.34 stored at a storage facility which has been registered with the Division of Alcohol and
55.35 Gambling Enforcement. No gambling equipment may be moved from the facility unless

56.1 the gambling equipment has been first registered with the board or the Department of
56.2 Revenue. A distributor must notify the board of the method that it will use to sell and
56.3 transfer electronic pull-tab games to licensed organizations, and must receive approval of
56.4 the board before implementing or making changes to the approved method.

56.5 (b) Notwithstanding section 349.163, subdivisions 5, 6, and 8, a licensed
56.6 manufacturer may ship into Minnesota approved or unapproved gambling equipment if the
56.7 licensed manufacturer ships the gambling equipment to a Minnesota storage facility that
56.8 is: (1) owned or leased by the licensed manufacturer; and (2) registered, in advance and
56.9 in writing, with the Division of Alcohol and Gambling Enforcement as a manufacturer's
56.10 storage facility. No gambling equipment may be shipped into Minnesota to the
56.11 manufacturer's registered storage facility unless the shipment of the gambling equipment
56.12 is reported to the Department of Revenue in a manner prescribed by the department.
56.13 No gambling equipment may be moved from the storage facility unless the gambling
56.14 equipment is sold to a licensed distributor and is otherwise in conformity with this chapter,
56.15 is shipped to an out-of-state site and the shipment is reported to the Department of
56.16 Revenue in a manner prescribed by the department, or is otherwise sold and shipped as
56.17 permitted by board rule. A manufacturer must notify the board of the method that it will
56.18 use to sell and transfer electronic pull-tab games to licensed distributors, and must receive
56.19 approval of the board before implementing or making changes to the approved method.

56.20 (c) All storage facilities owned, leased, used, or operated by a licensed distributor
56.21 or manufacturer may be entered upon and inspected by the employees of the Division of
56.22 Alcohol and Gambling Enforcement, the Division of Alcohol and Gambling Enforcement
56.23 director's authorized representatives, employees of the Gambling Control Board or its
56.24 authorized representatives, employees of the Department of Revenue, or authorized
56.25 representatives of the director of the Division of Special Taxes of the Department of
56.26 Revenue during reasonable and regular business hours. Obstruction of, or failure to
56.27 permit, entry and inspection is cause for revocation or suspension of a manufacturer's or
56.28 distributor's licenses and permits issued under this chapter.

56.29 (d) Unregistered gambling equipment found at any location in Minnesota other than
56.30 the manufacturing plant of a licensed manufacturer or a registered storage facility are
56.31 contraband under section 349.2125. This paragraph does not apply:

56.32 (1) to unregistered gambling equipment being transported in interstate commerce
56.33 between locations outside this state, if the interstate shipment is verified by a bill of lading
56.34 or other valid shipping document; and

56.35 (2) to gambling equipment registered with the Department of Revenue for
56.36 distribution to the tribal casinos.

57.1 Sec. 26. Minnesota Statutes 2010, section 349.163, subdivision 1, is amended to read:

57.2 Subdivision 1. **License required.** No manufacturer of gambling equipment may
57.3 sell any gambling equipment to any person for use or resale within the state, unless the
57.4 manufacturer has a current and valid license issued by the board under this section and has
57.5 satisfied other criteria prescribed by the board by rule. A manufacturer licensed under this
57.6 section may also be licensed as a linked bingo game provider under section 349.1635.

57.7 A manufacturer licensed under this section may not also be directly or indirectly
57.8 licensed as a distributor under section 349.161.

57.9 Sec. 27. Minnesota Statutes 2010, section 349.163, subdivision 5, is amended to read:

57.10 Subd. 5. **Paper pull-tab and tipboard flares.** (a) A manufacturer may not ship or
57.11 cause to be shipped into this state or sell for use or resale in this state any deal of paper
57.12 pull-tabs or tipboards that does not have its own individual flare as required for that deal
57.13 by this subdivision and rule of the board. A person other than a manufacturer may not
57.14 manufacture, alter, modify, or otherwise change a flare for a deal of paper pull-tabs or
57.15 tipboards except as allowed by this chapter or board rules.

57.16 (b) The flare of each paper pull-tab and tipboard game must have affixed to
57.17 or imprinted at the bottom a bar code that provides all information required by the
57.18 commissioner of revenue under section 297E.04, subdivision 2.

57.19 The serial number included in the bar code must be the same as the serial number
57.20 of the tickets included in the deal. A manufacturer who manufactures a deal of paper
57.21 pull-tabs must affix to the outside of the box containing that game the same bar code that
57.22 is affixed to or imprinted at the bottom of a flare for that deal.

57.23 (c) No person may alter the bar code that appears on the outside of a box containing
57.24 a deal of paper pull-tabs and tipboards. Possession of a box containing a deal of paper
57.25 pull-tabs and tipboards that has a bar code different from the bar code of the deal inside
57.26 the box is prima facie evidence that the possessor has altered the bar code on the box.

57.27 (d) The flare of each deal of paper pull-tabs and tipboards sold by a manufacturer for
57.28 use or resale in Minnesota must have imprinted on it a symbol that is at least one inch high
57.29 and one inch wide consisting of an outline of the geographic boundaries of Minnesota
57.30 with the letters "MN" inside the outline. The flare must be placed inside the wrapping of
57.31 the deal which the flare describes.

57.32 (e) Each paper pull-tab and tipboard flare must bear the following statement printed
57.33 in letters large enough to be clearly legible:

57.34 "Pull-tab (or tipboard) purchasers – This pull-tab (or tipboard) game is not legal in
57.35 Minnesota unless:

58.1 – an outline of Minnesota with letters "MN" inside it is imprinted on this sheet, and
58.2 – the serial number imprinted on the bar code at the bottom of this sheet is the same
58.3 as the serial number on the pull-tab (or tipboard) ticket you have purchased."

58.4 (f) The flare of each paper pull-tab and tipboard game must have the serial number
58.5 of the game imprinted on the bar code at the bottom of the flare in numerals at least
58.6 one-half inch high.

58.7 Sec. 28. Minnesota Statutes 2010, section 349.163, subdivision 6, is amended to read:

58.8 Subd. 6. **Samples of gambling equipment.** (a) The board shall require each
58.9 licensed manufacturer to submit to the board one or more samples of each item of gambling
58.10 equipment ~~the manufacturer manufactures~~ manufactured for use or resale in this state.
58.11 For purposes of this subdivision, a manufacturer is also required to submit the applicable
58.12 version of any software necessary to operate electronic devices and related systems.

58.13 (b) The board shall inspect and test all the equipment, including software and
58.14 software upgrades, it deems necessary to determine the equipment's compliance with
58.15 law and board rules. Samples required under this subdivision must be approved by the
58.16 board before the equipment being sampled is shipped into or sold for use or resale in this
58.17 state. The board shall impose a fee of \$25 for each item of gambling equipment that the
58.18 manufacturer submits for approval or for which the manufacturer requests approval. The
58.19 board shall impose a fee of \$100 for each sample of gambling equipment that it tests.

58.20 (c) The board may require samples of gambling equipment to be tested by an
58.21 independent testing laboratory prior to submission to the board for approval. All costs
58.22 of testing by an independent testing laboratory must be borne by the manufacturer. An
58.23 independent testing laboratory used by a manufacturer to test samples of gambling
58.24 equipment must be approved by the board before the equipment is submitted to the
58.25 laboratory for testing.

58.26 (d) The board may request the assistance of the commissioner of public safety and
58.27 the director of the State Lottery in performing the tests.

58.28 Sec. 29. Minnesota Statutes 2010, section 349.1635, subdivision 2, is amended to read:

58.29 Subd. 2. **License application.** The board may issue a license to a linked bingo game
58.30 provider or to a manufacturer licensed under section 349.163 who meets the qualifications
58.31 of this chapter and the rules promulgated by the board. The application shall be on a form
58.32 prescribed by the board. The license is valid for two years and the fee for a linked bingo
58.33 game provider license is \$5,000 per year.

59.1 Sec. 30. Minnesota Statutes 2010, section 349.1635, subdivision 3, is amended to read:

59.2 Subd. 3. **Attachments to application.** An applicant for a linked bingo game
59.3 provider license must attach to its application:

59.4 (1) evidence of a bond in the principal amount of \$100,000 payable to the state of
59.5 Minnesota conditioned on the payment of all linked bingo prizes and any other money due
59.6 and payable under this chapter;

59.7 (2) detailed plans and specifications for the operation of the linked bingo game and
59.8 the linked bingo system, along with a proposed fee schedule for the cost of providing
59.9 services and equipment to licensed organizations which may not exceed 15 percent of
59.10 gross profits, unless a higher percentage, not to exceed 20 percent, is authorized by the
59.11 board. The fee schedule must incorporate costs paid to distributors for services provided
59.12 under subdivision 5; and

59.13 (3) any other information required by the board by rule.

59.14 Sec. 31. Minnesota Statutes 2010, section 349.1635, is amended by adding a
59.15 subdivision to read:

59.16 Subd. 5. **Linked bingo game services requirements.** (a) A linked bingo game
59.17 provider must contract with licensed distributors for linked bingo game services including,
59.18 but not limited to, the solicitation of agreements with licensed organizations, and
59.19 installation, repair, or maintenance of the linked bingo game system.

59.20 (b) A distributor may not charge a fee to licensed organizations for services
59.21 authorized and rendered under paragraph (a).

59.22 (c) A linked bingo game provider may not contract with any distributor on an
59.23 exclusive basis.

59.24 (d) A linked bingo game provider may refuse to contract with a licensed distributor
59.25 if the linked bingo game provider demonstrates that the licensed distributor is not capable
59.26 of performing the services under the contract.

59.27 Sec. 32. Minnesota Statutes 2010, section 349.165, subdivision 2, is amended to read:

59.28 Subd. 2. **Contents of application.** An application for a premises permit must
59.29 contain:

59.30 (1) the name and address of the applying organization;

59.31 (2) a description of the site for which the permit is sought, including its address and,
59.32 where applicable, its placement within another premises or establishment;

59.33 (3) if the site is leased, the name and address of the lessor and information about the
59.34 lease the board requires, including all rents and other charges for the use of the site. The

60.1 lease term is concurrent with the term of the premises permit. The lease must contain a
60.2 ~~30-day~~ termination clause. No lease is required for the conduct of a raffle; and

60.3 (4) other information the board deems necessary to carry out its purposes.

60.4 An organization holding a premises permit must notify the board in writing within
60.5 ten days whenever any material change is made in the above information.

60.6 Sec. 33. Minnesota Statutes 2010, section 349.17, subdivision 6, is amended to read:

60.7 Subd. 6. **Conduct of bingo.** The price of a face played on an electronic bingo
60.8 device may not be less than the price of a face on a bingo paper sheet sold for the same
60.9 game at the same occasion. A game of bingo begins with the first letter and number called
60.10 or displayed. Each player must cover, mark, or activate the numbers when bingo numbers
60.11 are randomly selected, and announced, and or displayed to the players, either manually
60.12 or with a flashboard and monitor. The game is won when a player, using bingo paper,
60.13 bingo hard card, or a facsimile of a bingo paper sheet, has completed, as described in the
60.14 bingo program, a previously designated pattern or previously determined requirements
60.15 of the game and declared bingo. The game is completed when a winning card, sheet, or
60.16 facsimile is verified and a prize awarded pursuant to subdivision 3.

60.17 Sec. 34. Minnesota Statutes 2010, section 349.17, subdivision 7, is amended to read:

60.18 Subd. 7. **Bar bingo.** An organization may conduct bar bingo subject to the
60.19 following restrictions:

60.20 (1) the bingo is conducted at a site the organization owns or leases and which has a
60.21 license for the sale of intoxicating beverages on the premises under chapter 340A; and

60.22 (2) the bingo is conducted using only bingo paper sheets or facsimiles of bingo paper
60.23 sheets purchased from a licensed distributor or licensed linked bingo game provider; and

60.24 ~~(3) no rent may be paid for a bar bingo occasion.~~

60.25 Sec. 35. Minnesota Statutes 2010, section 349.17, subdivision 8, is amended to read:

60.26 Subd. 8. **Linked bingo games.** (a) A licensed organization may conduct or
60.27 participate in ~~not more than two~~ linked bingo games ~~per occasion, one of which may be,~~
60.28 including a progressive games game in which a portion of the prize is carried over from
60.29 one occasion game to another until won by a player achieving a valid bingo within a
60.30 predetermined amount of bingo numbers called based upon a predetermined and posted
60.31 win determination.

60.32 (b) ~~Each participating licensed organization shall contribute to each prize awarded in~~
60.33 ~~a linked bingo game in an amount not to exceed \$300.~~ Linked bingo games may only be

61.1 conducted by licensed organizations who have a valid agreement with the linked bingo
61.2 game provider.

61.3 (c) An electronic bingo device as defined in section 349.12, subdivision 12a, may
61.4 be used for a linked bingo game.

61.5 (d) The board may adopt rules to:

61.6 (1) specify the manner in which a linked bingo game must be played and how the
61.7 linked bingo prizes must be awarded;

61.8 (2) specify the records to be maintained by a linked bingo game provider;

61.9 (3) require the submission of periodic reports by the linked bingo game provider and
61.10 specify the content of the reports;

61.11 (4) establish the qualifications required to be licensed as a linked bingo game
61.12 provider; and

61.13 (5) any other matter involving the operation of a linked bingo game.

61.14 Sec. 36. Minnesota Statutes 2010, section 349.17, is amended by adding a subdivision
61.15 to read:

61.16 Subd. 9. **Linked bingo games played exclusively on electronic bingo devices.** In
61.17 addition to the requirements of subdivision 8, the following requirements and restrictions
61.18 apply when linked bingo games are played exclusively on electronic bingo devices.

61.19 (a) The permitted premises must be:

61.20 (1) a premises licensed for the on-sale or off-sale of intoxicating liquor or 3.2 percent
61.21 malt beverages, except for a general food store or drug store permitted to sell alcoholic
61.22 beverages under section 340A.405, subdivision 1; or

61.23 (2) a premises where bingo is conducted as the primary business and has a seating
61.24 capacity of at least 100.

61.25 (b) Until July 1, 2013, the number of electronic bingo devices is limited to:

61.26 (1) no more than six devices in play for permitted premises with 200 seats or less;

61.27 (2) no more than 12 devices in play for permitted premises with 201 seats or more;

61.28 and

61.29 (3) no more than 50 devices in play for permitted premises where bingo is the
61.30 primary business.

61.31 Seating capacity is determined as specified under the local fire code.

61.32 (c) After July 1, 2013, the Gambling Control Board may increase the limits on
61.33 the number of electronic bingo devices.

62.1 (d) Prior to a bingo occasion, the linked bingo game provider, on behalf of the
62.2 participating organizations, must provide to the board a bingo program in a format
62.3 prescribed by the board.

62.4 (e) Before participating in the play of a linked bingo game, a player must present
62.5 and register a valid picture identification card that includes the player's address and
62.6 date of birth.

62.7 (f) An organization may remove from play a device that a player has not maintained
62.8 in an activated mode for a specified period of time determined by the organization. The
62.9 organization must provide the notice in its house rules.

62.10 Sec. 37. Minnesota Statutes 2010, section 349.1721, is amended to read:

62.11 **349.1721 CONDUCT OF PULL-TABS.**

62.12 Subdivision 1. **Cumulative or carryover games.** The board shall by rule permit
62.13 pull-tab games with multiple seals. The board shall also adopt rules for pull-tab games with
62.14 cumulative or carryover prizes. The rules shall also apply to electronic pull-tab games.

62.15 Subd. 2. **Event games.** The board shall by rule permit pull-tab games in which
62.16 certain winners are determined by the random selection of one or more bingo numbers
62.17 or by another method approved by the board. The rules shall also apply to electronic
62.18 pull-tab games.

62.19 Subd. 3. **Pull-tab dispensing device location restrictions and requirements.**
62.20 The following pertain to pull-tab dispensing devices as defined under section 349.12,
62.21 subdivision 32a.

62.22 (a) The use of any pull-tab dispensing device must be at a permitted premises
62.23 which is:

62.24 (1) a licensed premises for on-sale of intoxicating liquor or 3.2 percent malt
62.25 beverages;

62.26 (2) a premises where bingo is conducted as the primary business; or

62.27 (3) an establishment licensed for the off-sale of intoxicating liquor, other than drug
62.28 stores and general food stores licensed under section 340A.405, subdivision 1.

62.29 (b) The number of pull-tab dispensing devices located at any permitted premises
62.30 is limited to three.

62.31 Subd. 4. **Electronic pull-tab device requirements and restrictions.** The following
62.32 pertain to the use of electronic pull-tab devices as defined under section 349.12,
62.33 subdivision 12b.

62.34 (a) The use of any electronic pull-tab device may only be at a permitted premises
62.35 that is:

63.1 (1) a premises licensed for the on-sale or off-sale of intoxicating liquor or 3.2 percent
63.2 malt beverages, except for a general food store or drug store permitted to sell alcoholic
63.3 beverages under section 340A.405, subdivision 1; or

63.4 (2) a premises where bingo is conducted as the primary business and has a seating
63.5 capacity of at least 100; and

63.6 (3) where the licensed organization sells paper pull-tabs.

63.7 (b) Until July 1, 2013, the number of electronic pull-tab devices is limited to:

63.8 (1) no more than six devices in play at any permitted premises with 200 seats or less;

63.9 (2) no more than 12 devices in play at any permitted premises with 201 seats
63.10 or more; and

63.11 (3) no more than 50 devices in play at any permitted premises where the primary
63.12 business is bingo.

63.13 Seating capacity is determined as specified under the local fire code.

63.14 (c) After July 1, 2013, the Gambling Control Board may increase the limits on
63.15 the number of electronic pull-tab devices.

63.16 (d) The hours of operation for the devices are limited to 8:00 a.m. to 2:00 a.m.

63.17 (e) All electronic pull-tab games must be sold and played on the permitted premises
63.18 and may not be linked to other permitted premises.

63.19 (f) Electronic pull-tab games may not be transferred electronically or otherwise to
63.20 any other location by the licensed organization.

63.21 (g) Electronic pull-tab games may be commingled if the games are from the same
63.22 family of games and manufacturer and contain the same game name, form number, type
63.23 of game, ticket count, prize amounts, and prize denominations. Each commingled game
63.24 must have a unique serial number.

63.25 (h) An organization may remove from play a device that a player has not maintained
63.26 in an activated mode for a specified period of time determined by the organization. The
63.27 organization must provide the notice in its house rules.

63.28 (i) Before participating in the play of an electronic pull-tab game, a player must
63.29 present and register a valid picture identification card that includes the player's address
63.30 and date of birth.

63.31 (j) Each player is limited to the use of one device at a time.

63.32 Subd. 5. **Multiple chance games.** The board may permit pull-tab games in which
63.33 the holders of certain predesignated winning tickets, with a prize value not to exceed \$75
63.34 each, have the option of turning in the winning tickets for the chance to win a prize of
63.35 greater value.

64.1 Sec. 38. Minnesota Statutes 2010, section 349.18, subdivision 1, is amended to read:

64.2 Subdivision 1. **Lease or ownership required; rent limitations.** (a) An organization
64.3 may conduct lawful gambling only on premises it owns or leases. Leases must be on a
64.4 form prescribed by the board. The term of the lease is concurrent with the premises permit.
64.5 Leases approved by the board must specify that the board may authorize an organization
64.6 to withhold rent from a lessor for a period of up to 90 days if the board determines that
64.7 illegal gambling occurred on the premises or that the lessor or its employees participated
64.8 in the illegal gambling or knew of the gambling and did not take prompt action to stop the
64.9 gambling. The lease must authorize the continued tenancy of the organization without
64.10 the payment of rent during the time period determined by the board under this paragraph.
64.11 Copies of all leases must be made available to employees of the board and the Division of
64.12 Alcohol and Gambling Enforcement on request.

64.13 (b) Rent paid by an organization for leased premises for the conduct of ~~pull-tabs,~~
64.14 ~~tipboards, and paddle wheels~~ lawful gambling is subject to the following limits and
64.15 restrictions:

64.16 (1) For booth operations, ~~including booth operations where a pull-tab dispensing~~
64.17 ~~device is located, booth operations where a bar operation is also conducted, and booth~~
64.18 ~~operations where both a pull-tab dispensing device is located and a bar operation is also~~
64.19 ~~conducted, the maximum rent is:~~ monthly rent may not exceed ten percent of gross profits
64.20 for that month. Total rent paid to a lessor from all organizations from leases governed by
64.21 this clause may not exceed \$1,750 per month.

64.22 (i) ~~in any month where the organization's gross profit at those premises does not~~
64.23 ~~exceed \$4,000, up to \$400; and~~

64.24 (ii) ~~in any month where the organization's gross profit at those premises exceeds~~
64.25 ~~\$4,000, up to \$400 plus not more than ten percent of the gross profit for that month in~~
64.26 ~~excess of \$4,000;~~

64.27 (2) For bar operations, ~~including bar operations where a pull-tab dispensing device~~
64.28 ~~is located but not including bar operations subject to clause (1), and for locations where~~
64.29 ~~only a pull-tab dispensing device is located:~~ monthly rent may not exceed 15 percent of
64.30 the gross profits for that month from electronic pull-tab games and electronic linked
64.31 bingo games and not more than 20 percent of gross profits for that month from all other
64.32 forms of lawful gambling.

64.33 (i) ~~in any month where the organization's gross profit at those premises does not~~
64.34 ~~exceed \$1,000, up to \$200; and~~

65.1 ~~(ii) in any month where the organization's gross profit at those premises exceeds~~
65.2 ~~\$1,000, up to \$200 plus not more than 20 percent of the gross profit for that month~~
65.3 ~~in excess of \$1,000;~~

65.4 ~~(3) a lease not governed by clauses (1) and (2) must be approved by the board before~~
65.5 ~~becoming effective; For electronic linked bingo games and electronic pull-tab games that~~
65.6 ~~are operated for separate time periods within a business day by an organization and the~~
65.7 ~~lessor, monthly rent may not be more than:~~

65.8 ~~(i) 15 percent of the gross profits for that month for the time periods operated by~~
65.9 ~~the lessor. The lessor is responsible for cash shortages that occur during the time periods~~
65.10 ~~the games are operated by the lessor; and~~

65.11 ~~(ii) ten percent of the gross profits for that month for the time periods operated by~~
65.12 ~~the organization. The organization is responsible for cash shortages that occur during the~~
65.13 ~~time periods the games are operated by the organization.~~

65.14 ~~(4) total rent paid to a lessor from all organizations from leases governed by clause~~
65.15 ~~(1) may not exceed \$1,750 per month.~~

65.16 ~~(c) Rent paid by an organization for leased premises for the conduct of bingo is~~
65.17 ~~subject to either of the following limits at the option of the parties to the lease:~~

65.18 ~~(1) (4) For bingo conducted at a leased premises where the primary business is~~
65.19 ~~bingo, rent is limited to either not more than ten percent of the monthly gross profit from~~
65.20 ~~all lawful gambling activities held during bingo occasions, excluding bar bingo or at a~~
65.21 ~~rate based on a cost per square foot not to exceed 110 percent of a comparable cost per~~
65.22 ~~square foot for leased space as approved by the director; and~~

65.23 ~~(2) (5) No rent may be paid for bar bingo as defined in section 349.12, subdivision 3c.~~

65.24 ~~(6) A lease not governed by clauses (1) to (5) must be approved by the director~~
65.25 ~~before becoming effective.~~

65.26 ~~(d) (c) Amounts paid as rent under leases are all-inclusive. No other services or~~
65.27 ~~expenses provided or contracted by the lessor may be paid by the organization, including,~~
65.28 ~~but not limited to, trash removal, janitorial and cleaning services, snow removal, lawn~~
65.29 ~~services, electricity, heat, security, security monitoring, storage, and other utilities or~~
65.30 ~~services, and, in the case of bar operations, cash shortages, unless approved by the~~
65.31 ~~director. The lessor shall be responsible for the cost of any communications network or~~
65.32 ~~service required to conduct electronic pull-tab games or electronic bingo games. Any~~
65.33 ~~other expenditure made by an organization that is related to a leased premises must be~~
65.34 ~~approved by the director. For bar operations, the lessor is responsible for cash shortages.~~
65.35 ~~An organization may not provide any compensation or thing of value to a lessor or the~~

66.1 lessor's employees from any fund source other than its gambling account. Rent payments
66.2 may not be made to an individual.

66.3 ~~(e)~~ (d) Notwithstanding paragraph (b), an organization may pay a lessor for food
66.4 or beverages or meeting room rental if the charge made is comparable to similar charges
66.5 made to other individuals or groups.

66.6 ~~(f) No entity other than the~~ (e) A licensed organization may not conduct any activity
66.7 ~~within a booth operation~~ on behalf of the lessor on a leased premises.

66.8 Sec. 39. Minnesota Statutes 2010, section 349.19, subdivision 2, is amended to read:

66.9 Subd. 2. **Accounts.** (a) Gross receipts from lawful gambling by each organization
66.10 must be segregated from all other revenues of the conducting organization and placed in a
66.11 separate gambling bank account.

66.12 (b) All expenditures for allowable expenses, taxes, and lawful purposes must be
66.13 made from the separate account except (1) in the case of expenditures previously approved
66.14 by the organization's membership for emergencies as defined by board rule, (2) as provided
66.15 in subdivision 2a, or (3) when restricted to one electronic fund transaction for the payment
66.16 of taxes for the organization as a whole, the organization may transfer the amount of taxes
66.17 related to the conduct of gambling to the general account at the time when due and payable.

66.18 (c) The name and address of the bank, the account number for the separate account,
66.19 and the names of organization members authorized as signatories on the separate account
66.20 must be provided to the board when the application is submitted. Changes in the
66.21 information must be submitted to the board at least ten days before the change is made.

66.22 (d) Except for gambling receipts from electronic pull-tab games and linked
66.23 electronic bingo games, gambling receipts must be deposited into the gambling bank
66.24 account within four business days of completion of the bingo occasion, deal, or game from
66.25 which they are received.

66.26 (1) A deal of paper pull-tabs is considered complete when either the last pull-tab of
66.27 the deal is sold or the organization does not continue the play of the deal during the next
66.28 scheduled period of time in which the organization will conduct pull-tabs.

66.29 (2) A tipboard game is considered complete when the seal on the game flare is
66.30 uncovered or the organization does not continue the play of the deal during the next
66.31 scheduled period of time in which the organization will conduct tipboards.

66.32 (e) Gambling receipts from all electronic pull-tab games and all linked electronic
66.33 bingo games must be recorded on a daily basis and deposited into the gambling bank
66.34 account within two business days.

67.1 ~~(e)~~ (f) Deposit records must be sufficient to allow determination of deposits made
67.2 from each bingo occasion, deal, or game at each permitted premises.

67.3 ~~(f)~~ (g) The person who accounts for gambling gross receipts and profits may not be
67.4 the same person who accounts for other revenues of the organization.

67.5 Sec. 40. Minnesota Statutes 2010, section 349.19, subdivision 3, is amended to read:

67.6 Subd. 3. **Expenditures.** (a) All expenditures of gross profits from lawful gambling
67.7 must be itemized as to payee, purpose, amount, and date of payment.

67.8 (b) Each licensed organization must report monthly to the board ~~on a form~~ in an
67.9 electronic format prescribed by the board each expenditure or contribution of net profits
67.10 from lawful gambling. The reports must provide for each expenditure or contribution:

67.11 (1) the name of the recipient of the expenditure or contribution;

67.12 (2) the date the expenditure or contribution was approved by the organization;

67.13 (3) the date, amount, and check number or electronic transfer confirmation number
67.14 of the expenditure or contribution;

67.15 (4) a brief description of how the expenditure or contribution meets one or more of
67.16 the purposes in section 349.12, subdivision 25; and

67.17 (5) in the case of expenditures authorized under section 349.12, subdivision 25,
67.18 paragraph (a), clause (7), whether the expenditure is for a facility or activity that primarily
67.19 benefits male or female participants.

67.20 (c) Authorization of the expenditures must be recorded in the monthly meeting
67.21 minutes of the licensed organization.

67.22 (d) Checks or authorizations for electronic fund transfers for expenditures of gross
67.23 profits must be signed by at least two persons authorized by board rules to sign the
67.24 checks or authorizations.

67.25 (e) Expenditures of gross profits from lawful gambling for local, state, and federal
67.26 taxes as identified in section 349.12, subdivision 25, paragraph (a), clause (8), may be
67.27 transferred electronically from the organization's gambling account directly to bank
67.28 accounts identified by local, state, or federal agencies if the organization's gambling
67.29 account monthly bank statement specifically identifies the payee by name, the amount
67.30 transferred, and the date of the transaction.

67.31 (f) Expenditures of gross profits from lawful gambling for payments for lawful
67.32 purpose expenditures and allowable expenses may be transferred electronically from the
67.33 organization's gambling account directly to bank accounts identified by the vendor if the
67.34 organization's gambling account monthly bank statement specifically identifies the payee

68.1 by name, the amount transferred, the account number of the account into which the funds
68.2 were transferred, and the date of the transaction.

68.3 (g) Expenditures of gross profits from lawful gambling for payroll compensation
68.4 to an employee's account and for the payment of local, state, and federal withholding
68.5 taxes may be transferred electronically to and from the account of a payroll processing
68.6 firm provided that the firm:

68.7 (1) is currently registered with and meets the criteria of the Department of Revenue
68.8 as a third-party bulk filer under section 290.92, subdivision 30;

68.9 (2) is able to provide proof of a third-party audit and an annual report and statement
68.10 of financial condition;

68.11 (3) is able to provide evidence of a fidelity bond; and

68.12 (4) can provide proof of having been in business as a third-party bulk filer for the
68.13 most recent three years.

68.14 (h) Electronic payments of taxes, lawful purpose expenditures, and allowable
68.15 expenses are permitted only if they have been authorized by the membership, the
68.16 organization maintains supporting documentation, and the expenditures can be verified.

68.17 **EFFECTIVE DATE.** This section is effective July 1, 2012.

68.18 Sec. 41. Minnesota Statutes 2010, section 349.19, subdivision 5, is amended to read:

68.19 Subd. 5. **Reports.** (a) A licensed organization must report monthly to the
68.20 ~~Department of Revenue~~ board in an electronic format prescribed by the board and to its
68.21 membership ~~monthly, or quarterly in the case of a licensed organization which does not~~
68.22 ~~report more than \$1,000 in gross receipts from lawful gambling in any calendar quarter,~~
68.23 on its gross receipts, expenses, profits, and expenditure of profits from lawful gambling
68.24 for each permitted premises. The organization must account for and report on each form
68.25 of lawful gambling conducted. The ~~report organization~~ must include a reconciliation of
68.26 the organization's profit carryover with its cash balance on hand. ~~If the organization~~
68.27 ~~conducts both bingo and other forms of lawful gambling, the figures for both must be~~
68.28 ~~reported separately.~~

68.29 (b) The organization must report ~~annually to its membership and annually file with~~
68.30 ~~the board a financial summary report in a format prescribed by the board that identifies the~~
68.31 ~~organization's receipts and use of lawful gambling proceeds, including:~~ monthly to the
68.32 commissioner of revenue as required under section 297E.06.

68.33 (1) ~~gross receipts;~~

68.34 (2) ~~prizes paid;~~

68.35 (3) ~~allowable expenses;~~

69.1 ~~(4) lawful purpose expenditures, including annual totals for types of charitable~~
69.2 ~~contributions and all taxes and fees as per section 349.12, subdivision 25, paragraph~~
69.3 ~~(a), clauses (8) and (18);~~

69.4 ~~(5) the percentage of annual gross profits used for charitable contributions; and~~

69.5 ~~(6) the percentage of annual gross profits used for all taxes and fees as per section~~
69.6 ~~349.12, subdivision 25, paragraph (a), clauses (8) and (18).~~

69.7 **EFFECTIVE DATE.** This section is effective July 1, 2012.

69.8 Sec. 42. Minnesota Statutes 2010, section 349.19, subdivision 10, is amended to read:

69.9 Subd. 10. **Pull-tab records.** (a) The board shall by rule require a licensed
69.10 organization to require each winner of a paper pull-tab prize of \$50 or more to present
69.11 identification in the form of a driver's license, Minnesota identification card, or other
69.12 identification the board deems sufficient to allow the identification and tracking of the
69.13 winner. The rule must require the organization to retain winning paper pull-tabs of \$50 or
69.14 more, and the identification of the winner of the pull-tab, for 3-1/2 years.

69.15 (b) An organization must maintain separate cash banks for each deal of paper
69.16 pull-tabs unless (1) the licensed organization uses a pull-tab dispensing device, or (2) the
69.17 organization uses a cash register, of a type approved by the board, which records all
69.18 sales of paper pull-tabs by separate deals.

69.19 (c) The board shall:

69.20 (1) by rule adopt minimum technical standards for cash registers that may be used
69.21 by organizations, and shall approve for use by organizations any cash register that meets
69.22 the standards; and

69.23 (2) before allowing an organization to use a cash register that commingles receipts
69.24 from several different paper pull-tab games in play, adopt rules that define how cash
69.25 registers may be used and that establish a procedure for organizations to reconcile all
69.26 pull-tab games in play at the end of each month.

69.27 Sec. 43. Minnesota Statutes 2010, section 349.211, subdivision 1a, is amended to read:

69.28 Subd. 1a. **Linked bingo prizes.** Prizes for a linked bingo game shall be limited
69.29 as follows:

69.30 (1) ~~no organization may contribute more than \$300 per linked bingo game to a~~
69.31 ~~linked bingo prize pool for linked bingo games played without electronic bingo devices,~~
69.32 an organization may not contribute to a linked bingo game prize pool more than \$300
69.33 per linked bingo game per site;

70.1 (2) for linked bingo games played exclusively with electronic bingo devices, an
70.2 organization may not contribute more than 85 percent of the gross receipts per permitted
70.3 premises to a linked bingo game prize pool;

70.4 ~~(2)~~ (3) no organization may award more than \$200 for a linked bingo game
70.5 consolation prize. For purposes of this subdivision, a linked bingo game consolation
70.6 prize is a prize awarded by an organization after a prize from the linked bingo prize pool
70.7 has been won; ~~and~~

70.8 ~~(3)~~ (4) for a progressive linked bingo game, if no player declares a valid bingo
70.9 ~~within the~~ for a progressive prize or prizes based on a predetermined ~~amount of bingo~~
70.10 ~~numbers called~~ and posted win determination, a portion of the ~~prize is~~ gross receipts
70.11 may be carried over to another occasion game until the accumulated progressive prize
70.12 is won. The portion of the prize that is not carried over must be awarded to the first
70.13 player or players who declares a valid bingo as additional numbers are called. If a valid
70.14 bingo is declared ~~within the predetermined amount of bingo numbers called~~, the entire
70.15 prize pool for that game is awarded to the winner. ~~The annual limit for progressive bingo~~
70.16 ~~game prizes contained in subdivision 2 must be reduced by the amount an organization~~
70.17 ~~contributes to progressive linked bingo games during the same calendar year;~~ and

70.18 (5) for linked bingo games played exclusively with electronic bingo devices, linked
70.19 bingo prizes in excess of \$599 shall be paid by the linked bingo game provider to the
70.20 player within three business days. Winners of linked bingo prizes in excess of \$599 will
70.21 be given a receipt or claim voucher as proof of a win.

70.22 Sec. 44. **APPROPRIATION.**

70.23 (a) \$779,000 in fiscal year 2013 and \$779,000 in fiscal year 2014 and \$779,000 in
70.24 fiscal year 2015 are appropriated from the lawful gambling regulation account in the
70.25 special revenue fund to the commissioner of human services for operating expenses
70.26 related to the regulatory oversight of lawful gambling for electronic pull-tabs and
70.27 electronic linked bingo.

70.28 (b) An amount equal to one-half of one percent of the estimated increase in revenue,
70.29 determined by the commissioner of management and budget under Minnesota Statutes,
70.30 section 16A.965, subdivision 8, paragraph (a), for the fiscal year is appropriated from
70.31 the general fund to the:

70.32 (1) commissioner of human services for the compulsive gambling treatment program
70.33 established under Minnesota Statutes, section 245.98; and

70.34 (2) Gambling Control Board for a grant to the state affiliate recognized by the
70.35 National Council on Problem Gambling to increase public awareness of problem

71.1 gambling, education and training for individuals and organizations providing effective
71.2 treatment services to problem gamblers and their families, and research relating to
71.3 problem gambling.

71.4 Money appropriated by this paragraph must supplement and must not replace existing
71.5 state funding for these programs.

71.6 Sec. 45. **EFFECTIVE DATE.**

71.7 Except as otherwise explicitly provided, this article is effective the day following
71.8 final enactment.

71.9 **ARTICLE 6**

71.10 **MISCELLANEOUS**

71.11 Section 1. **[297A.9905] USE OF LOCAL TAX REVENUES BY CITIES OF THE**
71.12 **FIRST CLASS.**

71.13 (a) Notwithstanding section 297A.99, or other general or special law or charter
71.14 provision, if the revenues from any local tax imposed on retail sales under special law
71.15 by a city of the first class exceeds the amount needed to fund the uses authorized in the
71.16 special law, the city may expend the excess revenue from the tax to fund other capital
71.17 projects of regional significance.

71.18 (b) For purposes of this section:

71.19 (1) "city of the first class" has the meaning given in section 410.01; and

71.20 (2) "capital project of regional significance" means construction, expansion, or
71.21 renovation of a sports facility or convention or civic center, that has a construction cost
71.22 of at least \$40,000,000.

71.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

71.24 Sec. 2. **USE OF THE STADIUM.**

71.25 Subdivision 1. **Amateur sports use.** The lessee of the stadium must make the
71.26 facilities of the stadium available to the Minnesota Amateur Sports Commission up to
71.27 ten days each year on terms satisfactory to the commission for amateur sports activities
71.28 consistent with Minnesota Statutes, chapter 240A, each year during the time the bonds
71.29 issued pursuant to this act are outstanding. The commission must negotiate in good faith
71.30 for the time it uses the stadium.

71.31 Subd. 2. **High school league.** The lessee of the stadium must make the facilities
71.32 of the stadium available for use by the Minnesota State High School League for at least

72.1 seven days each year for high school soccer and football tournaments. The league must
72.2 negotiate in good faith for the time it uses the stadium.

72.3 **Sec. 3. CITY OF BLOOMINGTON; TAX INCREMENT FINANCING.**

72.4 Notwithstanding Minnesota Statutes, section 469.176, or Laws 1996, chapter 464,
72.5 article 1, section 8, or any other law to the contrary, the city of Bloomington and its port
72.6 authority may extend the duration limits of tax increment financing district No. 1-G,
72.7 containing the former Met Center property, including Lindau Lane and that portion of tax
72.8 increment financing district No. 1-C north of the existing building line on Lot 1, Block 1,
72.9 Mall of America 7th Addition, exclusive of Lots 2 and 3, through December 31, 2038.

72.10 **EFFECTIVE DATE.** This section is effective upon compliance of the governing
72.11 body of the city of Bloomington with the requirements of Minnesota Statutes, sections
72.12 469.1782, subdivision 2, and 645.021, subdivision 3.

72.13 **Sec. 4. CITY OF BLOOMINGTON; TAX INCREMENT FINANCING**
72.14 **EXTENSION.**

72.15 Notwithstanding the provisions of Minnesota Statutes, section 469.176, or any other
72.16 law to the contrary, the city of Bloomington and its port authority may extend the duration
72.17 limits of Tax Increment Financing District No. 1-I, containing the Bloomington Central
72.18 Station property for a period through December 31, 2038.

72.19 **EFFECTIVE DATE.** This section is effective upon compliance of the governing
72.20 body of the city of Bloomington with the requirements of Minnesota Statutes, sections
72.21 469.1782, subdivision 2, and 645.021, subdivision 3.

72.22 **ARTICLE 7**

72.23 **GAMBLING TAX CHANGES**

72.24 Section 1. Minnesota Statutes 2010, section 297E.01, subdivision 7, is amended to read:

72.25 Subd. 7. **Gambling product.** "Gambling product" means bingo hard cards, bingo
72.26 paper sheets, ~~or~~ linked bingo paper sheets, or electronic linked bingo games; pull-tabs;
72.27 electronic pull-tab games; tipboards; paddle tickets and paddle ticket cards; raffle tickets;
72.28 or any other ticket, card, board, placard, device, or token that represents a chance, for
72.29 which consideration is paid, to win a prize.

72.30 **EFFECTIVE DATE.** This section is effective July 1, 2012.

S.F. No. 2391, 4th Engrossment - 87th Legislative Session (2011-2012) [S2391-4]

73.1 Sec. 2. Minnesota Statutes 2010, section 297E.01, subdivision 8, is amended to read:

73.2 Subd. 8. **Gross receipts.** "Gross receipts" means all receipts derived from lawful
73.3 gambling activity including, but not limited to, the following items:

73.4 (1) gross sales of bingo hard cards ~~and~~, paper sheets, linked bingo paper sheets, and
73.5 electronic linked bingo games before reduction for prizes, expenses, shortages, free plays,
73.6 or any other charges or offsets;

73.7 (2) the ideal gross of pull-tab, electronic pull-tab games, and tipboard deals or games
73.8 less the value of unsold and defective tickets and before reduction for prizes, expenses,
73.9 shortages, free plays, or any other charges or offsets;

73.10 (3) gross sales of raffle tickets and paddle tickets before reduction for prizes,
73.11 expenses, shortages, free plays, or any other charges or offsets;

73.12 (4) admission, commission, cover, or other charges imposed on participants in
73.13 lawful gambling activity as a condition for or cost of participation; and

73.14 (5) interest, dividends, annuities, profit from transactions, or other income derived
73.15 from the accumulation or use of gambling proceeds.

73.16 Gross receipts does not include proceeds from rental under section 349.18,
73.17 subdivision 3.

73.18 **EFFECTIVE DATE.** This section is effective July 1, 2012.

73.19 Sec. 3. Minnesota Statutes 2010, section 297E.01, subdivision 9, is amended to read:

73.20 Subd. 9. **Ideal gross.** "Ideal gross" means the total amount of receipts that would be
73.21 received if every individual ticket in the pull-tab, electronic pull-tab games or tipboard
73.22 deal, paddlewheel game, and raffle ticket was sold at its face value. In the calculation of
73.23 ideal gross and prizes, a free play ticket pull-tab or electronic pull-tab shall be valued at
73.24 face value. Ideal gross also means the total amount of receipts that would be received if
73.25 every bingo paper sheet, linked bingo paper sheet, and electronic linked bingo games
73.26 were sold at face value.

73.27 **EFFECTIVE DATE.** This section is effective July 1, 2012.

73.28 Sec. 4. Minnesota Statutes 2010, section 297E.02, subdivision 1, is amended to read:

73.29 Subdivision 1. **Imposition.** A tax is imposed on all lawful gambling other than (1)
73.30 paper or electronic pull-tab deals or games; (2) tipboard deals or games; ~~and~~ (3) electronic
73.31 linked bingo; and (4) items listed in section 297E.01, subdivision 8, clauses (4) and (5), at
73.32 the rate of 8.5 percent on the gross receipts as defined in section 297E.01, subdivision 8,
73.33 less prizes actually paid. The tax imposed by this subdivision is in lieu of the tax imposed

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74.1 by section 297A.62 and all local taxes and license fees except a fee authorized under
74.2 section 349.16, subdivision 8, or a tax authorized under subdivision 5.

74.3 The tax imposed under this subdivision is payable by the organization or party
74.4 conducting, directly or indirectly, the gambling.

74.5 **EFFECTIVE DATE.** This section is effective for games reported as played after
74.6 June 30, 2012.

74.7 Sec. 5. Minnesota Statutes 2010, section 297E.02, subdivision 3, is amended to read:

74.8 Subd. 3. **Collection; disposition.** (a) Taxes imposed by this section ~~other than in~~
74.9 ~~subdivision 4~~ are due and payable to the commissioner when the gambling tax return
74.10 is required to be filed. ~~Taxes imposed by subdivision 4 are due and payable to the~~
74.11 ~~commissioner on or before the last business day of the month following the month in~~
74.12 ~~which the taxable sale was made.~~ Distributors must file their monthly sales figures with
74.13 the commissioner on a form prescribed by the commissioner. Returns covering the taxes
74.14 imposed under this section must be filed with the commissioner on or before the 20th day
74.15 of the month following the close of the previous calendar month. The commissioner
74.16 may require that the returns be filed via magnetic media or electronic data transfer. The
74.17 proceeds, along with the revenue received from all license fees and other fees under
74.18 sections 349.11 to 349.191, 349.211, and 349.213, must be paid to the commissioner of
74.19 management and budget for deposit in the general fund.

74.20 (b) The sales tax imposed by chapter 297A on the sale of the pull-tabs and tipboards
74.21 by the distributor is imposed on the retail sales price. The retail sale of pull-tabs or
74.22 tipboards by the organization is exempt from taxes imposed by chapter 297A and is
74.23 exempt from all local taxes and license fees except a fee authorized under section 349.16,
74.24 subdivision 8.

74.25 **EFFECTIVE DATE.** This section is effective July 1, 2012.

74.26 Sec. 6. Minnesota Statutes 2010, section 297E.02, subdivision 6, is amended to read:

74.27 Subd. 6. **Combined net receipts tax.** In addition to the taxes imposed under
74.28 ~~subdivisions~~ subdivision 1 and 4, a tax is imposed on the combined receipts of the
74.29 organization. As used in this section, "combined net receipts" is the sum of the
74.30 organization's gross receipts from lawful gambling less gross receipts directly derived
74.31 from the conduct of paper bingo, raffles, and paddle wheels, as defined in section 297E.01,
74.32 subdivision 8, and less the net prizes actually paid, other than prizes actually paid for

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75.1 paper bingo, raffles, and paddle wheels, for the fiscal year. The combined net receipts of
75.2 an organization are subject to a tax computed according to the following schedule:

| 75.3 | If the combined <u>net</u> | The tax is: |
|-------|---|---|
| 75.4 | receipts for the fiscal year | |
| 75.5 | are: | |
| 75.6 | Not over \$500,000 <u>\$87,500</u> | zero <u>9.10 percent</u> |
| 75.7 | Over \$500,000 <u>\$87,500</u> , | |
| 75.8 | but not over \$700,000 | 1.7 <u>\$7,963 plus 18.20 percent of the</u> |
| 75.9 | <u>\$122,500</u> | amount over \$500,000 <u>\$87,500</u> , but |
| 75.10 | | not over \$700,000 <u>\$122,500</u> |
| 75.11 | Over \$700,000 <u>\$122,500</u> , | |
| 75.12 | but not over \$900,000 | \$3,400 <u>\$14,333 plus 27.30</u> |
| 75.13 | <u>\$157,500</u> | percent of the amount over \$700,000 |
| 75.14 | | <u>\$122,500</u> , but not over \$900,000 |
| 75.15 | | <u>\$157,500</u> |
| 75.16 | Over \$900,000 <u>\$157,500</u> | \$10,200 <u>\$23,888 plus 36.40</u> |
| 75.17 | | percent of the amount over \$900,000 |
| 75.18 | | <u>\$157,500</u> |

75.19 **EFFECTIVE DATE.** This section is effective July 1, 2012.

75.20 Sec. 7. Minnesota Statutes 2010, section 297E.02, is amended by adding a subdivision
75.21 to read:

75.22 **Subd. 6a. Unaccounted games.** If a licensed distributor cannot account for a
75.23 pull-tab game, an electronic pull-tab game, a tipboard deal, paddletickets, an electronic
75.24 linked bingo game, bingo paper sheets, or linked bingo paper sheets, the distributor must
75.25 report the sheets or games to the commissioner as lost and remit a tax of six percent
75.26 on the ideal gross of the sheets or games.

75.27 **EFFECTIVE DATE.** This section is effective July 1, 2012.

75.28 Sec. 8. Minnesota Statutes 2010, section 297E.02, subdivision 7, is amended to read:

75.29 **Subd. 7. Untaxed gambling product.** (a) In addition to penalties or criminal
75.30 sanctions imposed by this chapter, a person, organization, or business entity possessing or
75.31 selling a pull-tab, electronic pull-tab game or tipboard upon which the tax imposed by
75.32 ~~subdivision 4~~ this chapter has not been paid is liable for a tax of six percent of the ideal
75.33 gross of each pull-tab, electronic pull-tab game, or tipboard. The tax on a partial deal
75.34 must be assessed as if it were a full deal.

75.35 (b) In addition to penalties and criminal sanctions imposed by this chapter, a person
75.36 not licensed by the board who conducts bingo, linked bingo, electronic linked bingo,

76.1 raffles, or paddle wheel games is liable for a tax of six percent of the gross receipts
76.2 from that activity.

76.3 (c) The tax must be assessed by the commissioner. An assessment must be
76.4 considered a jeopardy assessment or jeopardy collection as provided in section 270C.36.
76.5 The commissioner shall assess the tax based on personal knowledge or information
76.6 available to the commissioner. The commissioner shall mail to the taxpayer at the
76.7 taxpayer's last known address, or serve in person, a written notice of the amount of tax,
76.8 demand its immediate payment, and, if payment is not immediately made, collect the tax
76.9 by any method described in chapter 270C, except that the commissioner need not await the
76.10 expiration of the times specified in chapter 270C. The tax assessed by the commissioner
76.11 is presumed to be valid and correctly determined and assessed. The burden is upon the
76.12 taxpayer to show its incorrectness or invalidity. The tax imposed under this subdivision
76.13 does not apply to gambling that is exempt from taxation under subdivision 2.

76.14 **EFFECTIVE DATE.** This section is effective July 1, 2012.

76.15 Sec. 9. Minnesota Statutes 2010, section 297E.02, subdivision 10, is amended to read:

76.16 Subd. 10. **Refunds; appropriation.** A person who has, under this chapter, paid
76.17 to the commissioner an amount of tax for a period in excess of the amount legally due
76.18 for that period, may file with the commissioner a claim for a refund of the excess. The
76.19 amount necessary to pay the refunds under this subdivision ~~and subdivision 4, paragraph~~
76.20 ~~(d)~~, is appropriated from the general fund to the commissioner.

76.21 **EFFECTIVE DATE.** This section is effective July 1, 2012.

76.22 Sec. 10. Minnesota Statutes 2010, section 297E.02, subdivision 11, is amended to read:

76.23 Subd. 11. ~~**Unplayed or Defective pull-tabs or tipboards gambling products.** If a~~
76.24 ~~deal of pull-tabs or tipboards registered with the board or bar coded in accordance with this~~
76.25 ~~chapter and chapter 349 and upon which the tax imposed by subdivision 4 has been paid is~~
76.26 ~~returned unplayed to the distributor, the commissioner shall allow a refund of the tax paid.~~

76.27 If a defective deal registered with the board or bar coded in accordance with this
76.28 chapter and chapter 349 ~~and upon which the taxes have been paid~~ is returned to the
76.29 manufacturer, the distributor shall submit to the commissioner of revenue certification
76.30 from the manufacturer that the deal was returned and in what respect it was defective.
76.31 The certification must be on a form prescribed by the commissioner and must contain
76.32 additional information the commissioner requires.

77.1 The commissioner may require ~~that no refund~~ under this subdivision ~~be made~~
77.2 ~~unless the~~ that all defective and returned pull-tabs or tipboards have been, paddle tickets,
77.3 paper bingo sheets, and linked bingo paper sheets be set aside for inspection by the
77.4 commissioner's employee.

77.5 Reductions in previously paid taxes authorized by this subdivision must be made
77.6 when and in the manner prescribed by the commissioner.

77.7 **EFFECTIVE DATE.** This section is effective for games sold by a licensed
77.8 distributor after June 30, 2012.

77.9 Sec. 11. Minnesota Statutes 2010, section 297E.13, subdivision 5, is amended to read:

77.10 Subd. 5. **Untaxed gambling equipment.** It is a gross misdemeanor for a person to
77.11 possess gambling equipment for resale in this state that has not been stamped or bar-coded
77.12 in accordance with this chapter and chapter 349 and upon which the taxes imposed by
77.13 chapter 297A or section 297E.02, ~~subdivision 4,~~ have not been paid. The director of
77.14 alcohol and gambling enforcement or the commissioner or the designated inspectors
77.15 and employees of the director or commissioner may seize in the name of the state of
77.16 Minnesota any unregistered or untaxed gambling equipment.

77.17 **EFFECTIVE DATE.** This section is effective for actions occurring after June
77.18 30, 2012.

77.19 Sec. 12. **REPEALER.**

77.20 Minnesota Statutes 2010, sections 297E.02, subdivision 4; 349.15, subdivision 3;
77.21 and 349.19, subdivision 2a, are repealed.

77.22 **EFFECTIVE DATE.** This section is effective for games sold by a licensed
77.23 distributor after June 30, 2012, and the commissioner of revenue retains authority to
77.24 issue refunds under Minnesota Statutes 2010, section 297E.02, subdivision 4, paragraph
77.25 (d), for games sold before July 1, 2012.

77.26 ARTICLE 8

77.27 SALES AND USE TAX

77.28 Section 1. Minnesota Statutes 2010, section 297A.66, is amended by adding a
77.29 subdivision to read:

78.1 Subd. 4a. Solicitor. (a) "Solicitor," for purposes of subdivision 1, paragraph (a),
78.2 means a person, whether an independent contractor or other representative, who directly
78.3 or indirectly solicits business for the retailer.

78.4 (b) A retailer is presumed to have a solicitor in this state if it enters into an agreement
78.5 with a resident under which the resident, for a commission or other consideration, directly
78.6 or indirectly refers potential customers, whether by a link on an Internet Web site, or
78.7 otherwise, to the seller. This paragraph only applies if the total gross receipts from
78.8 sales to customers located in this state who were referred to the retailer by all residents
78.9 with this type of agreement with the retailer are at least \$10,000 in the 12-month period
78.10 ending on the last day of the most recent calendar quarter before the calendar quarter in
78.11 which the sale is made.

78.12 (c) The presumption under paragraph (a) may be rebutted by proof that the resident
78.13 with whom the retailer has an agreement did not engage in any solicitation in this state
78.14 on behalf of the retailer that would satisfy the nexus requirements of the United States
78.15 Constitution during the 12-month period in question. Nothing in this section shall be
78.16 construed to narrow the scope of the terms affiliate, agent, salesperson, canvasser, or other
78.17 representative for purposes of subdivision 1, paragraph (a).

78.18 (d) For purposes of this paragraph, "resident" includes an individual who is a
78.19 resident of this state, as defined in section 290.01, or a business that owns tangible
78.20 personal property located in this state or has one or more employees providing services
78.21 for it in this state.

78.22 **EFFECTIVE DATE.** This section is effective for sales and purchases made after
78.23 June 30, 2012.

APPENDIX
Article locations in S2391-4

| | | |
|-----------|---|---------------|
| ARTICLE 1 | MINNESOTA SPORTS FACILITIES AUTHORITY | Page.Ln 1.30 |
| ARTICLE 2 | STATE STADIUM FUNDING | Page.Ln 25.23 |
| ARTICLE 3 | CONFORMING CHANGES | Page.Ln 31.8 |
| ARTICLE 4 | MINNEAPOLIS CONVENTION CENTER | Page.Ln 34.24 |
| ARTICLE 5 | LAWFUL GAMBLING | Page.Ln 41.7 |
| ARTICLE 6 | MISCELLANEOUS | Page.Ln 71.9 |
| ARTICLE 7 | GAMBLING TAX CHANGES | Page.Ln 72.22 |
| ARTICLE 8 | SALES AND USE TAX | Page.Ln 77.26 |