

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 2717

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DATE	D-PG	OFFICIAL STATUS
02/26/2018	6203	Introduction and first reading Referred to State Government Finance and Policy and Elections

1.1 A bill for an act

1.2 relating to state government; establishing a grant program for skate parks throughout

1.3 the state; authorizing the Minnesota Amateur Sports Commission to build skate

1.4 parks; modifying the Minnesota Tort Claims Act; modifying liability for free

1.5 recreational use of private lands; appropriating money; authorizing the sale and

1.6 issuance of state bonds; amending Minnesota Statutes 2016, section 604A.21,

1.7 subdivision 5; Minnesota Statutes 2017 Supplement, section 3.736, subdivision

1.8 3; proposing coding for new law in Minnesota Statutes, chapter 240A.

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

1.10 Section 1. Minnesota Statutes 2017 Supplement, section 3.736, subdivision 3, is amended

1.11 to read:

1.12 Subd. 3. **Exclusions.** Without intent to preclude the courts from finding additional cases

1.13 where the state and its employees should not, in equity and good conscience, pay

1.14 compensation for personal injuries or property losses, the legislature declares that the state

1.15 and its employees are not liable for the following losses:

1.16 (a) a loss caused by an act or omission of a state employee exercising due care in the

1.17 execution of a valid or invalid statute or rule;

1.18 (b) a loss caused by the performance or failure to perform a discretionary duty, whether

1.19 or not the discretion is abused;

1.20 (c) a loss in connection with the assessment and collection of taxes;

1.21 (d) a loss caused by snow or ice conditions on a highway or public sidewalk that does

1.22 not abut a publicly owned building or a publicly owned parking lot, except when the condition

1.23 is affirmatively caused by the negligent acts of a state employee;

2.1 (e) a loss caused by wild animals in their natural state, except as provided in section
2.2 3.7371;

2.3 (f) a loss other than injury to or loss of property or personal injury or death;

2.4 (g) a loss caused by the condition of unimproved real property owned by the state, which
2.5 means land that the state has not improved, state land that contains idled or abandoned mine
2.6 pits or shafts, and appurtenances, fixtures, and attachments to land that the state has neither
2.7 affixed nor improved;

2.8 (h) a loss involving or arising out of the use or operation of a recreational motor vehicle,
2.9 as defined in section 84.90, subdivision 1, within the right-of-way of a trunk highway, as
2.10 defined in section 160.02, except that the state is liable for conduct that would entitle a
2.11 trespasser to damages against a private person;

2.12 (i) a loss incurred by a user arising from the construction, operation, or maintenance of
2.13 the outdoor recreation system, as defined in section 86A.04; a loss incurred by a user of a
2.14 facility owned or operated by the Amateur Sports Commission; or for a loss arising from
2.15 the construction, operation, maintenance, or administration of grants-in-aid trails as defined
2.16 in section 85.018, or for a loss arising from the construction, operation, or maintenance of
2.17 a water access site created by the Department of Iron Range Resources and Rehabilitation,
2.18 except that the state is liable for conduct that would entitle a trespasser to damages against
2.19 a private person. For the purposes of this clause, a water access site, as defined in section
2.20 86A.04 or created by the commissioner of Iron Range resources and rehabilitation, that
2.21 provides access to an idled, water filled mine pit, also includes the entire water filled area
2.22 of the pit and, further, includes losses caused by the caving or slumping of the mine pit
2.23 walls;

2.24 (j) a loss of benefits or compensation due under a program of public assistance or public
2.25 welfare, except if state compensation for loss is expressly required by federal law in order
2.26 for the state to receive federal grants-in-aid;

2.27 (k) a loss based on the failure of a person to meet the standards needed for a license,
2.28 permit, or other authorization issued by the state or its agents;

2.29 (l) a loss based on the usual care and treatment, or lack of care and treatment, of a person
2.30 at a state hospital or state corrections facility where reasonable use of available appropriations
2.31 has been made to provide care;

2.32 (m) loss, damage, or destruction of property of a patient or inmate of a state institution
2.33 except as provided under section 3.7381;

3.1 (n) a loss for which recovery is prohibited by section 169A.48, subdivision 2;

3.2 (o) a loss caused by an aeration, bubbler, water circulation, or similar system used to
3.3 increase dissolved oxygen or maintain open water on the ice of public waters, that is operated
3.4 under a permit issued by the commissioner of natural resources;

3.5 (p) a loss incurred by a visitor to the Minnesota Zoological Garden, except that the state
3.6 is liable for conduct that would entitle a trespasser to damages against a private person;

3.7 (q) a loss arising out of a person's use of a logging road on public land that is maintained
3.8 exclusively to provide access to timber on that land by harvesters of the timber, and is not
3.9 signed or otherwise held out to the public as a public highway; and

3.10 (r) a loss incurred by a user of property owned, leased, or otherwise controlled by the
3.11 Minnesota National Guard or the Department of Military Affairs, except that the state is
3.12 liable for conduct that would entitle a trespasser to damages against a private person.

3.13 The state will not pay punitive damages.

3.14 **Sec. 2. [240A.20] PROMOTING CONSTRUCTION AND RENOVATION OF**
3.15 **PUBLIC SKATE PARKS THROUGHOUT THE STATE.**

3.16 Subdivision 1. **Definition.** For purposes of this section, "skate" means wheeled,
3.17 nonmotorized recreation, including skateboarding, in-line skating, and roller-skating, and
3.18 not including cycling or biking.

3.19 Subd. 2. **Promotion of public skate parks.** The Minnesota Amateur Sports Commission
3.20 shall:

3.21 (1) develop new statewide or regional public skate parks; and

3.22 (2) provide matching grants to local units of government for public skate parks based
3.23 on the criteria in this section.

3.24 Subd. 3. **Criteria for grants to local units of government for public skate parks.** (a)
3.25 The commission shall administer a site selection process for the skate parks. The commission
3.26 shall invite proposals from cities or counties or a consortia of cities. A proposal for a skate
3.27 park must include matching contributions including in-kind contributions of land, access
3.28 roadways and access roadway improvements, and necessary utility services, landscaping,
3.29 and parking.

3.30 (b) The location for all proposed facilities must be in areas of maximum demonstrated
3.31 interest and must maximize accessibility to an arterial highway, transit, or pedestrian or
3.32 bike paths.

4.1 (c) To the extent possible, all proposed facilities must be dispersed equitably, must be
4.2 located to maximize potential for full utilization, must accommodate noncompetitive family
4.3 and community skating for all ages, and must encourage use of skate parks by a diverse
4.4 population.

4.5 (d) The commission must give priority to proposals that come from more than one local
4.6 government unit.

4.7 (e) The commission may also use the money to upgrade, rehabilitate, or renovate current
4.8 facilities.

4.9 (f) To the extent possible, 50 percent of all grants must be awarded to communities in
4.10 greater Minnesota.

4.11 (g) A grant for new facilities may not exceed \$250,000.

4.12 (h) Grant money may be used to upgrade existing facilities to comply with the bleacher
4.13 safety requirements of section 326B.112.

4.14 Subd. 4. **Technical assistance.** To the extent possible, the commission shall provide
4.15 technical assistance on skate park planning, design, and operation to communities.

4.16 Subd. 5. **Agreements with local governments and cooperative purchasing agreements.**

4.17 (a) The Minnesota Amateur Sports Commission may enter into agreements with local units
4.18 of government and provide financial assistance in the form of grants for the construction
4.19 of skate parks that in the determination of the commission conform to its criteria.

4.20 (b) The commission may enter into cooperative purchasing agreements under section
4.21 471.59 with local governments to purchase skate park equipment and services through state
4.22 contracts. The cooperative skate park equipment purchasing revolving fund is created as a
4.23 separate account in the state treasury. The commission may charge a fee to cover the
4.24 commission's administrative expenses to government units that have joint or cooperative
4.25 purchasing agreements with the state under section 471.59. The fees collected must be
4.26 deposited in the cooperative skate park equipment purchasing revolving fund. Money in
4.27 the fund is appropriated to the commission to administer the programs and services covered
4.28 by this subdivision.

4.29 Subd. 6. **General obligation special tax bonds for skate parks.** State general obligation
4.30 bonds issued to finance the construction of the skate parks provided for in this section may
4.31 be general obligation special tax bonds under section 16A.661 and debt service on the bonds
4.32 may be paid from sports and health club sales tax revenue as provided in section 16A.661,
4.33 subdivision 3, paragraph (b).

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

5.2 Sec. 3. Minnesota Statutes 2016, section 604A.21, subdivision 5, is amended to read:

5.3 Subd. 5. **Recreational purpose.** "Recreational purpose" includes, but is not limited to,
5.4 hunting; trapping; fishing; swimming; boating; camping; picnicking; hiking; rock climbing;
5.5 cave exploring; bicycling; skateboarding; horseback riding; firewood gathering; pleasure
5.6 driving, including snowmobiling and the operation of any motorized vehicle or conveyance
5.7 upon a road or upon or across land in any manner, including recreational trail use; nature
5.8 study; water skiing; winter sports; noncommercial aviation activities; and viewing or enjoying
5.9 historical, archaeological, scenic, or scientific sites. "Rock climbing" means the climbing
5.10 of a naturally exposed rock face. "Cave exploring" means the planned exploration of naturally
5.11 occurring cavities in rock, including passage through any structures placed for the purpose
5.12 of safe access, access control, or conservation, but does not include the exploration of other
5.13 man-made cavities such as tunnels, mines, and sewers. "Noncommercial aviation activities"
5.14 means the use of private, nonstaffed airstrips for takeoffs and landings related to other
5.15 recreational purposes under this subdivision that are not commercial operations under section
5.16 360.013, subdivision 45.

5.17 Sec. 4. **GENERAL FUND APPROPRIATION.**

5.18 \$250,000 in fiscal year 2019 is appropriated from the general fund to the Minnesota
5.19 Amateur Sports Commission to contract with a qualified nonprofit organization to establish
5.20 criteria to evaluate skate park proposals for receiving grants under Minnesota Statutes,
5.21 section 240A.20; to provide technical advice to local units of government or the Amateur
5.22 Sports Commission about the development, design, construction, and maintenance of a
5.23 skate park; and for grants to local units of government to promote the use of skate parks by
5.24 a diverse population.

5.25 Sec. 5. **BOND PROCEEDS APPROPRIATIONS.**

5.26 (a) \$3,000,000 is appropriated from the bond proceeds fund to the Minnesota Amateur
5.27 Sports Commission for grants under Minnesota Statutes, section 240A.20.

5.28 (b) Notwithstanding the grant limit in Minnesota Statutes, section 240A.20, subdivision
5.29 1, paragraph (i), \$2,000,000 is appropriated from the bond proceeds fund to the Minnesota
5.30 Amateur Sports Commission for a grant under Minnesota Statutes, section 240A.20, for a
5.31 skate park that has a statewide draw.

6.1 Sec. 6. **BOND SALE.**

6.2 To provide the money appropriated in this act from the bond proceeds fund, the
6.3 commissioner of management and budget shall sell and issue bonds of the state in an amount
6.4 up to \$5,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota
6.5 Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI,
6.6 sections 4 to 7.

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