

## CHAPTER 240A

## AMATEUR SPORTS COMMISSION

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**240A.01 DEFINITIONS.**

Subdivision 1. **Applicability.** As used in sections 240A.01 to 240A.07, the words defined in this section have the meanings given them.

Subd. 2. **Commission.** "Commission" means the Minnesota amateur sports commission.

Subd. 3. **Local governments.** "Local governments" means counties, towns, statutory or home rule charter cities, school districts, or any combination of them.

Subd. 4. **Sports facility or sports facilities.** "Sports facility" or "sports facilities" means real or personal property or both suitable for holding those amateur sports competitions determined by the commission.

**History:** 1987 c 400 s 44

**240A.02 MINNESOTA AMATEUR SPORTS COMMISSION.**

Subdivision 1. **Membership; compensation; chair.** (a) The Minnesota amateur sports commission consists of 12 voting members, four of whom must be experienced in promoting amateur sports. Nine of the voting members shall be appointed by the governor to three-year terms. Of the total commission membership, including voting and nonvoting members, one member must reside in each of the state's congressional districts. Four legislators, two from each house appointed according to its rules, shall be nonvoting members. One member from each house shall be from the minority caucus. Compensation and removal of members and the filling of membership vacancies are as provided in section 15.0575. A member may be reappointed. The governor shall appoint the chair of the commission after consideration of the commission's recommendation.

(b) The governor, speaker of the house of representatives, and senate majority leader shall each appoint one additional voting member to the commission to a two-year term. The purpose of adding three members to the commission is to ensure gender balance in commission membership. Compensation, removal, and filling of vacancies of members appointed under this paragraph are as provided in section 15.0575. A member appointed under this paragraph may be reappointed.

Subd. 2. **Meetings.** The commission shall meet at least quarterly and at other times determined by the commission and shall adopt rules governing its proceedings.

Subd. 3. **Staff.** The commission shall appoint an executive director, who may hire other employees authorized by the commission. The executive director is in the unclassified service under section 43A.08.

**History:** 1987 c 400 s 45; 1988 c 633 s 2; 1991 c 238 art 1 s 10; 1993 c 192 s 82; 1994 c 648 art 1 s 1; 1997 c 187 art 3 s 28

**240A.03 GENERAL POWERS OF THE COMMISSION.**

Subdivision 1. **General.** The commission has the powers necessary and convenient to discharge the duties imposed by law, including but not limited to those provided in this section.

Subd. 2. **Actions.** The commission may sue and be sued and is a public body within the meaning of chapter 562.

Subd. 3. **Property.** The commission may acquire by lease, purchase, gift, or devise all necessary right, title, and interest in and to real or personal property or both necessary to the purposes of amateur sports facilities.

Subd. 4. **Construction and operation.** The commission may own, operate, construct, repair, or refurbish, and enter into contracts for the same purposes for real or personal property or both necessary for amateur sports facilities.

Subd. 5. **Exemption of property.** Real or personal property acquired, owned, leased, controlled, used, or occupied by the commission for the purposes of amateur sports facilities is declared to be acquired, owned, leased, controlled, used, and occupied for public, governmental, and municipal purposes, and is exempt from ad valorem taxation by the state or any political subdivision of the state, provided that the properties are subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. No possible use of any of the properties in any manner different from their use under sections 240A.01 to 240A.07 at the time may be considered in determining the special benefit received by the properties. Assessments are subject to confirmation by the commission, whose determination of the benefits is subject to court review. Notwithstanding the provisions of section 272.01, subdivision 2, or 273.19, real or personal property leased by the commission to another person for uses related to the purposes of sections 240A.01 to 240A.07 is exempt from taxation regardless of the length of the lease.

Subd. 6. **Disposition of property.** The commission may sell or otherwise dispose of any real or personal property acquired by it that is no longer required for accomplishment of its purposes. The property shall be sold in the manner provided by section 469.065, insofar as practical and consistent with sections 473.551 to 473.595.

Subd. 7. **Contracts.** The commission may contract for materials, supplies, and equipment with persons, firms, or corporations to perform one or more or all of the functions of architect, engineer, construction manager, project manager, or contractor for both design and construction, with respect to all or any part of a project to build or remodel sports facilities.

Subd. 8. **Gifts and grants.** The commission may accept gifts of money, property, or services; may apply for and accept grants or loans of money or other property from the United States, the state, a subdivision of the state, or a person for any of its purposes; may enter into an agreement required in connection with it; and may hold, use, and dispose of the money, property, or services in accordance with the terms of the gift, grant, loan, or agreement relating to it. The commission may also make grants, gifts, and bequests of money, property, or services and enter into contracts to carry out the same. Money received under this subdivision is annually appropriated to the commission.

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

Subd. 10. **Use agreements.** The commission may lease, license, or enter into agreements and may fix, alter, charge, and collect rentals, fees, and charges to persons for the use, occupation, and availability of part or all of any premises, property, or facilities under its ownership, operation, or control. Fees charged by the commission are not subject to section 16A.1285. A use agreement may provide that the other contracting party has exclusive use of the premises at the times agreed upon.

Subd. 11. **Insurance.** The commission may require any employee to obtain and file with it an individual bond or fidelity insurance policy. It may obtain insurance in the amounts it considers necessary to protect it against the liability of the commission or its officers and employees for personal injury or death and property damage or destruc-

tion, with the effect stated in chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property.

Subd. 12. **Rules and procedures.** The commission may adopt rules and procedures to implement its authority under sections 240A.01 to 240A.07.

Subd. 13. **Nonprofit corporations and foundations.** The commission, and any other state office, agency, or board owning or operating a sport facility designated as an official training center by the national governing body of that sport, may establish nonprofit corporations and charitable foundations.

Subd. 14. **National sports events.** The commission may pay costs incurred by an amateur sports facility in hosting and operating events that are conducted at the facility under an agreement with the national governing body for an amateur sport and sanctioned or sponsored by the commission.

Subd. 15. **Advertising.** The commission may accept paid advertising in its publications. Funds received from advertising are annually appropriated to the commission for its publications. The commission must annually report the amount of funds received under this subdivision to the chair of the house of representatives ways and means and senate finance committees.

**History:** 1987 c 400 s 46; 1988 c 633 s 3-5; 1991 c 199 art 2 s 1; 1993 c 192 s 83; 1996 c 305 art 3 s 30

#### 240A.04 PROMOTION AND DEVELOPMENT OF AMATEUR SPORTS.

In addition to the powers and duties granted under section 240A.03, the commission shall:

- (1) promote the development of olympic training centers;
- (2) promote physical fitness by promoting participation in sports;
- (3) develop, foster, and coordinate physical fitness services and programs;
- (4) sponsor amateur sport workshops, clinics, and conferences;
- (5) provide recognition for outstanding developments, achievements, and contributions to amateur sports;
- (6) stimulate and promote amateur sport research;
- (7) collect, disseminate, and communicate amateur sport information;
- (8) promote amateur sport and physical fitness programs in schools and local communities;
- (9) develop programs to promote personal health and physical fitness by participation in amateur sports in cooperation with medical, dental, sports medicine, and similar professional societies;
- (10) promote the development of recreational amateur sport opportunities and activities in the state, including the means of facilitating acquisition, financing, construction, and rehabilitation of sports facilities for the holding of amateur sporting events;
- (11) promote national and international amateur sport competitions and events;
- (12) sanction or sponsor amateur sport competition;
- (13) take membership in regional or national amateur sports associations or organizations; and
- (14) promote the mainstreaming and normalization of people with physical disabilities and visual and hearing impairments in amateur sports.

**History:** 1987 c 400 s 47

#### 240A.05 SANCTION OF CERTAIN EVENTS.

The commission may sponsor or sanction amateur sporting events that include athletes who participate in events sponsored or sanctioned by the Minnesota state high school league or any other governing body of sport.

**History:** 1987 c 400 s 48

**240A.06 STATE AMATEUR ATHLETIC GAMES.**

Subdivision 1. **Sponsorship required.** The commission shall sponsor and sanction a series of statewide amateur athletic games patterned after the winter and summer Olympic Games, with variations as required by facilities, equipment, and expertise, and as necessary to include people with physical disabilities and visual and hearing impairments. The games may be held annually beginning in 1989, if money and facilities are available, unless the time of the games would conflict with other sporting events as the commission determines.

Subd. 2. **Limitations.** The games must be designed to encourage the participation of athletes representing a broad range of age groups, skill levels, Minnesota communities, and people with physical disabilities and visual and hearing impairments. Primary participants must be residents of Minnesota. Regional competitions to determine participants in the games may be held throughout the state, and the top qualifiers in each sport or the regional competitions are qualified to participate in the state amateur athletic games. The games must be held at an appropriate site in the state.

**History:** 1987 c 400 s 49

**240A.07 COOPERATION REQUIRED.**

Local governments shall cooperate with the commission to the greatest extent practical in providing facilities for use in amateur sports and olympic training.

**History:** 1987 c 400 s 50

**240A.08 APPROPRIATION.**

(a) \$750,000 is appropriated annually from the general fund to the Minnesota amateur sports commission for the purpose of entering into long-term leases, use, or other agreements with the metropolitan sports facilities commission for the conduct of amateur sports activities at the basketball and hockey arena, consistent with the purposes set forth in this chapter, including (1) stimulating and promoting amateur sports, (2) promoting physical fitness by promoting participation in sports, (3) promoting the development of recreational amateur sport opportunities and activities, and (4) promoting local, regional, national, and international amateur sport competitions and events. The amateur sports commission shall determine what constitutes amateur sports activities as provided in this chapter as of March 1, 1995. The metropolitan sports facilities commission may allocate at least 25 but no more than 50 dates a year for the conduct of amateur sports activities at the basketball and hockey arena by the amateur sports commission. At least 12 of the dates must be on a Friday, Saturday, or Sunday. The amateur sports commission may sell a date at the arena to another group for any purpose. Revenue from sale of these dates is appropriated to the amateur sports commission for purposes listed in section 240A.04. If any amateur sports activities conducted by the amateur sports commission at the basketball and hockey arena are restricted to participants of one gender, an equal number of activities on comparable days of the week must be conducted for participants of the other gender, but not necessarily in the same year. The legislature reserves the right to repeal or amend this appropriation, and does not intend this appropriation to create public debt.

(b) The amateur sports commission shall not transmit to the operator of the basketball and hockey arena payment of any event-related costs or expenses, including, but not limited to, personnel, labor, services, equipment, utilities, or supplies attributable to the events unless and until the operator has demonstrated, to the satisfaction of the amateur sports commission, the basis for each specific cost or expense and the means by which the costs and expenses were determined.

(c) The amateur sports commission may use any ticket system as may be in place from time to time at the basketball and hockey arena, provided that any royalty or rebate fees or charges or surcharges on tickets received by the operator of the arena from third parties must be credited against event-related costs or expenses.

(d) In the establishment of event-related costs to be imposed upon the amateur sports commission, the operator of the basketball and hockey arena shall provide the amateur sports commission with the maximum discount that the operator has supplied to any other sponsor of a similar amateur sports event in the arena within the 180-day period immediately preceding the date of the amateur sports commission event.

(e) The amateur sports commission must report by August 1 each year to the chairs of the house and senate state government finance divisions on compliance with this section and on the total value of dates and ancillary services, and revenue derived from resale of dates, during the previous state fiscal year.

(f) The attorney general, on behalf of the amateur sports commission, must pursue collection of monetary damages from the operator of the arena if the operator fails to comply with the requirements of this section.

(g) The books, records, documents, accounting procedures, and practices of the metropolitan sports facilities commission, the Minneapolis community development agency, and any corporation with which the Minnesota amateur sports commission may contract for use of the basketball and hockey arena are available for review by the Minnesota amateur sports commission, the legislative auditor, and the chairs of the state government finance divisions of the senate and the house of representatives, subject to chapter 13 and section 473.598, subdivision 4.

**History:** 1994 c 648 art 1 s 17; 1995 c 254 art 1 s 75; 1996 c 390 s 33

#### **240A.09 PLAN DEVELOPMENT; CRITERIA.**

The Minnesota amateur sports commission shall develop a plan to promote the development of proposals for new statewide public ice facilities including proposals for ice centers and matching grants based on the criteria in this section.

(a) For ice center proposals, the commission will give priority to proposals that come from more than one local government unit. Institutions of higher education are not eligible to receive a grant.

(b) In the metropolitan area as defined in section 473.121, subdivision 2, the commission is encouraged to give priority to the following proposals:

(1) proposals for construction of two or more ice sheets in a single new facility;

(2) proposals for construction of an additional sheet of ice at an existing ice center;

(3) proposals for construction of a new, single sheet of ice as part of a sports complex with multiple sports facilities; and

(4) proposals for construction of a new, single sheet of ice that will be expanded to a two-sheet facility in the future.

(c) The commission shall administer a site selection process for the ice centers. The commission shall invite proposals from cities or counties or consortia of cities. A proposal for an ice center must include matching contributions including in-kind contributions of land, access roadways and access roadway improvements, and necessary utility services, landscaping, and parking.

(d) Proposals for ice centers and matching grants must provide for meeting the demand for ice time for female groups by offering up to 50 percent of prime ice time, as needed, to female groups. For purposes of this section, prime ice time means the hours of 4:00 p.m. to 10:00 p.m. Monday to Friday and 9:00 a.m. to 8:00 p.m. on Saturdays and Sundays.

(e) The location for all proposed facilities must be in areas of maximum demonstrated interest and must maximize accessibility to an arterial highway.

(f) To the extent possible, all proposed facilities must be dispersed equitably, must be located to maximize potential for full utilization and profitable operation, and must accommodate noncompetitive family and community skating for all ages.

(g) The commission may also use the money to upgrade current facilities, purchase girls' ice time, or conduct amateur women's hockey and other ice sport tournaments.

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

(i) To the extent possible, technical assistance shall be provided to Minnesota communities by the commission on ice arena planning, design, and operation, including the marketing of ice time.

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

(k) The commission may make grants for rehabilitation and renovation. A rehabilitation or renovation grant may not exceed \$100,000. Priority must be given to grant applications for indoor air quality improvements, including zero emission ice resurfacing equipment.

(l) Grant money may be used for ice centers designed for sports other than hockey.

(m) Grant money may be used to upgrade existing facilities to comply with the bleacher safety requirements of section 16B.616.

**History:** 1994 c 648 art 2 s 1; 1995 c 254 art 1 s 76; 1996 c 463 s 42; 1999 c 250 art 1 s 90

#### 240A.10 AGREEMENTS.

Subdivision 1. **Ice arena facilities.** The Minnesota amateur sports commission may enter into agreements with local units of government and provide financial assistance in the form of grants for the construction of ice arena facilities that in the determination of the commission, conform to its criteria.

Subd. 2. **Equipment; revolving fund.** The commission may enter into cooperative purchasing agreements under section 471.59 with local governments to purchase ice arena equipment and services through state contracts. The cooperative ice arena equipment purchasing revolving fund is a separate account in the state treasury. The commission may charge a fee to cover the commission's administrative expenses to government units that have joint or cooperative purchasing agreements with the state under section 471.59. The fees collected must be deposited in the revolving fund established by this subdivision. Money in the fund is appropriated to the commission to administer the programs and services covered by this subdivision.

**History:** 1994 c 648 art 2 s 2; 1995 c 254 art 1 s 77

#### 240A.11 GENERAL OBLIGATION SPECIAL TAX BONDS FOR ICE CENTERS.

State general obligation bonds issued to finance the construction of the ice centers provided for in sections 240A.09 and 240A.10 may be general obligation special tax bonds under section 16A.661 and debt service on the bonds may be paid from sports and health club sales tax revenue as provided in section 16A.661, subdivision 3, paragraph (b).

**History:** 1994 c 648 art 2 s 3

#### 240A.12 GRANTS FOR ATHLETIC FACILITIES AND PROGRAMS.

Subdivision 1. **Grants.** The commission may make matching grants to political subdivisions of the state:

(1) to acquire and better public land and buildings and other public improvements of a capital nature to be used for community facilities and related infrastructure primarily for amateur athletics;

(2) to renovate existing facilities used primarily for amateur athletics;

(3) to support recreational programs for children and adolescents; and

(4) to support special events involving amateur athletics.

Subd. 2. **Geographic dispersal.** To the extent possible, over time, the commission shall disperse grants equally among the state's congressional districts and award one-

half of all grants to communities or institutions outside the metropolitan area as defined in section 473.121, subdivision 2.

Subd. 3. **Maximum grants and matching contributions.** Each grant under this section must be matched by recipient communities or institutions in accordance with this subdivision. A matching contribution may include an in-kind contribution of land, access roadways and access roadway improvements, and necessary utility services, landscaping, and parking. A grant for new facilities may not exceed \$100,000 and must be matched by the recipient at a rate of four times the amount of the grant. A grant for renovation of existing facilities may not exceed \$50,000 and must be matched equally by the recipient. A grant for recreational programs may not exceed \$20,000 and must be matched equally by the recipient. A grant for a special event or program may not exceed \$100,000 and must be matched equally by the recipient.

**History:** 1999 c 250 art 1 s 91