

1.1 To: Senator Johnson, D.E., Chair
1.2 Committee on Rules and Administration

From: Senator Rest,

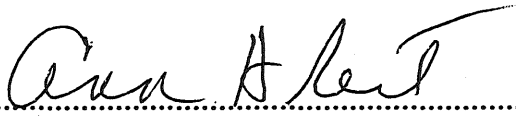
1.4 Chair of the Subcommittee on Bill Referral, to which was referred under Rule 21,
1.5 together with the Committee Report thereon,

1.6 S.F. No. 3398: A bill for an act relating to the environment; extending life of utility
1.7 emissions-reduction program; requiring mercury emissions reductions by public utilities;
1.8 amending Minnesota Statutes 2004, section 216B.1692, subdivision 8; proposing coding
1.9 for new law in Minnesota Statutes, chapter 216B.

1.10 Reports the same back with the recommendation that the report from the Committee
1.11 on Jobs, Energy and Community Development, shown in the Journal for March 29, 2006,
1.12 be adopted; that committee recommendation being:

1.13 "the bill be amended and when so amended the bill do pass". Amendments adopted.
1.14 Report adopted.

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.....
(Subcommittee Chair)

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April 6, 2006
(Date of Subcommittee action)

1.1 A bill for an act
 1.2 relating to the environment; requiring mercury emissions reductions by public
 1.3 utilities; amending Minnesota Statutes 2004, section 216B.1692, subdivision 8;
 1.4 proposing coding for new law in Minnesota Statutes, chapter 216B.

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

1.6 Section 1. **TITLE.**

1.7 This act may be cited as the Mercury Emissions Reduction Act of 2006.

1.8 Sec. 2. Minnesota Statutes 2004, section 216B.1692, subdivision 8, is amended to read:

1.9 Subd. 8. **Sunset.** This section is effective until ~~June 30, 2006~~ June 30, 2012, and
 1.10 applies to projects and riders approved prior to that date.

1.11 Sec. 3. **[216B.68] DEFINITIONS, MERCURY EMISSIONS REDUCTIONS.**

1.12 Subdivision 1. Scope. Terms used in sections 216B.68 to 216B.688 have the
 1.13 meanings given them in this section and section 216B.02.

1.14 Subd. 2. Qualifying facility. "Qualifying facility" means an electric generating
 1.15 power plant in Minnesota that, as of January 1, 2006, had a total net dependable capacity
 1.16 in excess of 750 megawatts from all coal-fired electric generating units at the power plant.

1.17 Subd. 3. Targeted unit. "Targeted unit" means a coal-fired electric generation unit
 1.18 greater than 300 megawatts at a qualifying facility.

1.19 Subd. 4. Agency. "Agency" means the Minnesota Pollution Control Agency.

1.20 Subd. 5. Federal mercury regulations. "Federal mercury regulations" means
 1.21 the federal clean air mercury rule as of January 1, 2006, published in Code of Federal
 1.22 Regulations, title 40, parts 60, 63, 70, and 72.

2.1 Subd. 6. Reduction. "Reduction" means the capture of total mercury emissions
2.2 from a qualifying facility relative to the emissions baseline from that facility established
2.3 under section 216B.681, expressed as a percentage.

2.4 Subd. 7. Dry scrubbed units. "Dry scrubbed units" means a targeted unit at which
2.5 pollution control technology that uses a spray dryer and fabric filter system to remove
2.6 pollutants from air emissions is installed.

2.7 Subd. 8. Wet scrubbed units. "Wet scrubbed units" means a targeted unit at which
2.8 pollution control technology that uses water or solutions to remove pollutants from air
2.9 emissions is installed.

2.10 Subd. 9. Startup period. "Startup period" means a period of one year after the date
2.11 of compliance set forth in section 216B.682, paragraph (a), or such longer period as the
2.12 commission may approve after consultation with the Pollution Control Agency.

2.13 **Sec. 4. [216B.681] MONITORING MERCURY EMISSIONS.**

2.14 By July 1, 2007, a public utility that owns or operates a qualifying facility shall
2.15 install, maintain, and operate continuous mercury emissions monitoring systems on
2.16 coal-fired electric generation units that the utility may include in a mercury emissions
2.17 reduction plan under section 216B.682. The monitoring systems must use methods
2.18 set forth in federal mercury regulations or other methods as may be approved by the
2.19 agency. The data from monitoring systems or other methods of measurement approved
2.20 by the agency associated with a utility's qualifying facilities must be used to establish a
2.21 baseline for mercury emissions reductions under section 216B.682. The public utility shall
2.22 report to the agency the quality assured and controlled data produced from the systems
2.23 implemented pursuant to this section on a quarterly basis thereafter.

2.24 **Sec. 5. [216B.682] MERCURY EMISSIONS REDUCTION PLANS.**

2.25 (a) By December 31, 2007, for dry scrubbed units and by December 31, 2009, for
2.26 wet scrubbed units, a public utility that owns or operates a qualifying facility shall develop
2.27 and submit to the Pollution Control Agency and the Public Utilities Commission plans to
2.28 reduce mercury emissions in this state. A public utility filing a plan for a wet scrubbed
2.29 unit on or before December 31, 2007, may file a plan for any other wet scrubbed unit at
2.30 its qualifying facility by July 1, 2011. Mercury emissions reduction initiatives must be
2.31 implemented by December 31, 2010, at dry scrubbed units, and by December 31, 2013, at
2.32 wet scrubbed units.

2.33 (b) A public utility must file a set of plans under paragraph (a) that, taken together,
2.34 are designed to achieve total mercury reductions among the utility's Minnesota facilities

3.1 equivalent to a goal of 90 percent reduction of mercury emissions at the utility's targeted
3.2 units by December 31, 2013.

3.4 (c) The utility may also submit one or more alternatives to the plans required under
3.5 paragraph (b). The alternatives must be designed to achieve mercury emissions reductions
3.6 at its qualifying facilities greater and earlier than required under federal mercury
3.7 regulations. The utility shall also provide information as to how the utility would have
3.8 planned to meet federal mercury reduction requirements in the absence of this legislation
3.9 and the estimated cost and timing of meeting federal mercury reduction requirements.

3.10 (d) For each required and alternative plan submitted pursuant to this subdivision,
3.11 the utility shall present information assessing that plan's ability to optimize human health
3.12 benefits and achieve cost efficiencies. The utility shall assess how each plan balances
3.13 environmental benefits with the associated costs, considering the impact of the resulting
3.14 electricity costs on both the utility's customers and the state's economy. Plans must
3.15 provide the cost, technical feasibility, and mercury emissions reduction expected for each
3.16 option. Plans may also provide measures to reduce the cost and maximize the flexibility of
3.17 each option, including, but not limited to, mercury emissions reductions achieved through
3.18 pretreatment of the coal burned at the facility, averaging mercury emissions reductions
3.19 among different generating units at the same plant and achieving equivalent mercury
3.20 emissions reductions on other plants in the public utility's electric system in Minnesota.
3.21 The plans may specify permit targets or conditions proposed by the public utility for each
3.22 mercury emissions control option, including, but not limited to, numeric emission targets,
3.23 percent removal expectations, emission control technology installation and operative
3.24 requirements, or work practice standards.

3.25 (e) Mercury emissions reductions under a plan approved by the commission under
3.26 section 216B.1692 before January 1, 2006, may not be counted toward total mercury
3.27 emissions reductions of a plan under this section.

3.28 **Sec. 6. [216B.683] OTHER ENVIRONMENTAL IMPROVEMENT PLANS.**

3.29 In order to encourage a utility to address multiple pollutants, a utility required to
3.30 submit mercury reduction plans under sections 216B.68 to 216B.688 may also propose
3.31 plans and associated emission reduction riders addressing investments in additional
3.32 pollution control equipment and related expenses needed to comply with state or federal
3.33 statute or regulation that became effective after December 31, 2004. The plans must
3.34 propose to implement emission control initiatives that exceed or are implemented in
advance of state or federal requirements. The utility must show that plans submitted

4.1 under this subdivision and any related riders are the least-cost alternative for complying
4.2 with state and federal regulations.

4.3 **Sec. 7. [216B.684] EMISSIONS REDUCTION RIDERS.**

4.4 A public utility required to file a mercury emissions reduction plan under section
4.5 216B.682 may also file for approval of an emissions reduction rate rider pursuant to
4.6 section 216B.1692, subdivision 3, for its mercury control and other environmental
4.7 improvement initiatives under sections 216B.68 to 216B.688. The emissions reduction
4.8 rate rider may include recovery of costs associated with the installation of continuous
4.9 mercury emission monitoring systems, ongoing operation and maintenance costs
4.10 associated with the utility's mercury control initiatives, and any studies undertaken by
4.11 the utility in support of the mercury emissions reduction plan required under section
4.12 216B.682, in addition to the cost recovery provided by section 216B.1692, subdivision 3.
4.13 The utility may propose to phase in the emissions reduction riders to recover these costs
4.14 over the development and life of the projects.

4.15 **Sec. 8. [216B.685] ENVIRONMENTAL ASSESSMENT.**

4.16 The Pollution Control Agency shall evaluate a utility's mercury emissions reduction
4.17 plans and alternatives filed under section 216B.68 to 216B.688, and submit its evaluation
4.18 to the Public Utilities Commission within 180 days of the date the plan is filed with the
4.19 agency and commission under subdivision 3. In its review, the agency shall:

4.20 (1) assess whether the utility's plan under section 216B.682, paragraph (b), meets
4.21 the requirements of that paragraph;

4.22 (2) evaluate the environmental and public health benefits of each plan submitted
4.23 under section 216B.682, including benefits associated with reductions in pollutants other
4.24 than mercury;

4.25 (3) assess the technical feasibility and cost-effectiveness of technologies proposed
4.26 for achieving mercury emissions reduction in each plan submitted; and

4.27 (4) advise the commission of the appropriateness of each plan.

4.28 **Sec. 9. [216B.686] COMMISSION APPROVAL.**

4.29 (a) The Public Utilities Commission shall review and evaluate a utility's mercury
4.30 emissions reduction plans submitted under this section. In its review, the commission shall
4.31 consider the environmental and public health benefits, the agency's determination of a
4.32 technology's technical feasibility, competitiveness of customer rates and power supply
4.33 costs, and cost-effectiveness of the utility's proposed mercury control initiatives in light of

1.1 **Senator Anderson from the Committee on Jobs, Energy and Community**
1.2 **Development, to which was referred**

1.3 **S.F. No. 3398:** A bill for an act relating to the environment; requiring mercury
1.4 emissions reductions by public utilities; amending Minnesota Statutes 2004, section
1.5 216B.1692, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter
1.6 216B.

1.7 Reports the same back with the recommendation that the bill be amended as follows:

1.8 Delete everything after the enacting clause and insert:

1.9 "Section 1. Minnesota Statutes 2004, section 216B.1692, subdivision 8, is amended
1.10 to read:

1.11 Subd. 8. **Sunset.** This section is effective until ~~June 30, 2006~~ December 31, 2011,
1.12 and applies to projects and riders approved before that date.

1.13 **Sec. 2. [216B.1695] MERCURY EMISSIONS REDUCTIONS.**

1.14 **Subdivision 1. Definitions.** For the purpose of this section, the following terms
1.15 have the meanings given them:

1.16 (1) "coal-fired electric generating unit" means any electric generating power plant
1.17 in Minnesota that supplied more than one-third of its potential output capacity and 250
1.18 megawatts or more of electrical output from coal-fired generation to any public utility as
1.19 of January 1, 2006;

1.20 (2) "dry-scrubbed units" means a coal-fired electric generating unit at which
1.21 pollution control technology that uses a spray dryer and fabric filter system to remove
1.22 pollutants from air emissions is installed; and

1.23 (3) "wet-scrubbed units" means a coal-fired electric generating unit at which
1.24 pollution control technology that uses water or solutions to remove pollutants from air
1.25 emissions is installed.

1.26 **Subd. 2. Monitoring.** By January 1, 2007, a public utility that owns or operates a
1.27 coal-fired electric generating unit shall install, maintain, and operate a continuous mercury
1.28 emissions monitoring system approved by the Pollution Control Agency on each coal-fired
1.29 electrical generating unit. The data from six months of continuous emissions monitoring
1.30 or its equivalent must be used to establish a baseline for mercury emissions reductions
1.31 under subdivision 3. The public utility shall report to the Pollution Control Agency as
1.32 public data the quality assured data produced from monitoring implemented pursuant to
1.33 this subdivision on a quarterly basis on a form prescribed by the agency.

1.34 **Subd. 3. Mercury emissions limits.** Subject to commission approval, mercury
1.35 emissions from coal-fired electric generating units relative to the baseline established by
1.36 monitoring under subdivision 2 must be reduced as follows:

1.37 (1) mercury emissions from dry-scrubbed units must be reduced by 90 percent
1.38 by January 1, 2009; and

2.1 (2) mercury emissions from wet-scrubbed units must be reduced by 90 percent
2.2 by January 1, 2011.

2.3 Subd. 4. **Compliance plans.** (a) By September 1, 2007, for dry-scrubbed units, a
2.4 public utility that owns or operates a coal-fired electrical generating unit shall submit to
2.5 the Pollution Control Agency and the commission a plan for compliance with the mercury
2.6 emissions limit in subdivision 3, clause (1).

2.7 (b) By July 1, 2008, for wet-scrubbed units, a public utility that owns or operates
2.8 a coal-fired electrical generating unit shall submit to the Pollution Control Agency and
2.9 the commission a plan for compliance with the mercury emissions limit in subdivision
2.10 3, clause (2).

2.11 (c) Plans under paragraphs (a) and (b) shall provide the cost, technical feasibility,
2.12 operational conditions, and mercury emissions reductions expected for each option.
2.13 The plans may specify permit conditions proposed by the public utility for each
2.14 mercury emission control option, including, but not limited to, numeric emission target,
2.15 percent removal expectations, emission control technology installation, and operative
2.16 requirements or work practice standards.

2.17 (d) The public utility may also submit one or more alternatives to the plans required
2.18 under subdivision 3. For each required and alternative plan submitted pursuant to this
2.19 subdivision, the utility shall present information assessing the plan's ability to optimize
2.20 human health benefits and achieve cost efficiencies.

2.21 Subd. 5. **Multiple pollutant reductions.** A utility required to submit a compliance
2.22 plan under this section may also propose plans and associated emissions-reduction
2.23 riders to reduce emissions of multiple pollutants. The plans must propose to implement
2.24 emission control initiatives that exceed and are implemented in advance of state or federal
2.25 requirements.

2.26 Subd. 6. **Emission-reduction rider.** A public utility required to file a compliance
2.27 plan under subdivision 4 may also file for approval of an emissions-reduction rate
2.28 rider, under section 216B.1692, subdivision 3, for its compliance and multiple pollutant
2.29 reduction plans under this section. The emissions-reduction rate rider may include
2.30 recovery of capital, operating, and maintenance costs associated with continuous
2.31 monitoring, mercury emissions reduction, multiple pollutant emissions reduction, and any
2.32 studies undertaken by the utility in support of the compliance plan, in addition to the cost
2.33 recovery under section 216B.1692, subdivision 3. The utility may propose to phase in

2.34 the emissions-reduction riders to recover these costs over the development and life of the
2.35 projects.

1 Subd. 7. Compliance assessment. (a) The Pollution Control Agency shall evaluate
3.2 a utility's compliance plan and alternatives, and within 90 days for dry-scrubbed units
3.3 and within 180 days for wet-scrubbed units from the date the plan was submitted, assess
3.4 the following:

3.5 (1) whether the plan will result in compliance with subdivision 3; and

3.6 (2) the technical feasibility and effectiveness of the technologies proposed in
3.7 achieving maximum mercury reductions.

3.8 (b) For multiple pollutant emissions-reduction plans, the Pollution Control Agency
3.9 shall evaluate within 180 days whether the plan complies with the requirements of
3.10 subdivisions 3 and 5, in addition to providing an environmental assessment under section
3.11 216B.1692, subdivision 4.

3.12 Subd. 8. Commission approval. (a) Within 90 days of receiving the Pollution
3.13 Control Agency's compliance assessment for dry-scrubbed units, and within 180 days of
3.14 receiving the Pollution Control Agency's compliance assessment for wet-scrubbed units,
3.15 the commission shall approve a utility's compliance plan that has been assessed to comply
3.16 with subdivision 3, clause (1) or (2), unless the applicant or other party establishes that the
3.17 plan would impose excessive customer costs.

3.18 (b) If the commission is unable to approve a plan under paragraph (a), the
3.19 commission shall, in consultation with the Pollution Control Agency, order the utility to
3.20 implement the most stringent mercury reduction alternative proposed that does not impose
3.21 excessive costs. The commission shall not require the replacement of existing pollution
3.22 control equipment for that unit. The order must include provisions:

3.23 (1) requiring the utility to optimize the operation of installed equipment to obtain
3.24 maximum mercury reductions and report its efforts and results quarterly to the Pollution
3.25 Control Agency; and

3.26 (2) stating that if compliance with the 90 percent reduction requirement has not been
3.27 met by January 1, 2013, the Pollution Control Agency and the commission shall conduct a
3.28 de novo review to determine the technical feasibility of compliance with subdivision 3.

3.29 (c) Within 180 days of receiving the Pollution Control Agency's assessments, the
3.30 commission may approve a utility's multiple pollutant emissions-reduction plan if it:

3.31 (1) results in compliance with subdivision 3 in a manner that is technically feasible
3.32 without excessive consumer costs; and

3.33 (2) provides greater environmental and public health benefits by reducing multiple
3.34 emissions simultaneously, including, but not limited to, emissions of mercury, sulfur
3.35 oxides, nitrogen oxides, and particulate matter.

4.1 (d) The commission shall defer to the expertise of the Pollution Control Agency
4.2 on compliance issues under subdivision 3, technical feasibility of emission control
4.3 technology, and environmental and public health benefits.

4.4 (e) Section 216B.1692 applies to plans and emission control riders proposed
4.5 under this section, and projects included in a plan approved under this section are
4.6 considered qualifying projects under section 216B.1692. Section 216B.1692, subdivision
4.7 5, paragraph (c), and subdivision 6, do not apply to plans or riders submitted under this
4.8 section. Commission approval of an emissions-reduction plan under this section shall
4.9 include approval of an emissions-reduction rider associated with that plan, if one was
4.10 submitted by the utility.

4.11 Subd. 9. **Implementation and operation.** (a) A public utility required to file a
4.12 compliance plan shall implement the plan as approved under subdivision 8.

4.13 (b) For the first year of operation, except as required by federal regulation, any
4.14 mercury emission limit incorporated into the permit of a coal-fired electric generating unit
4.15 for which a plan has been approved, shall be a state-only condition of the permit and is not
4.16 enforceable by the Pollution Control Agency.

4.17 (c) After one year, the Pollution Control Agency shall incorporate the mercury limit
4.18 as an enforceable state-only limit for any coal-fired electric generating unit that is in
4.19 compliance with its plan.

4.20 (d) For any coal-fired electric generating unit that is not in compliance with the
4.21 limits of subdivision 3 after one year, the Pollution Control Agency shall:

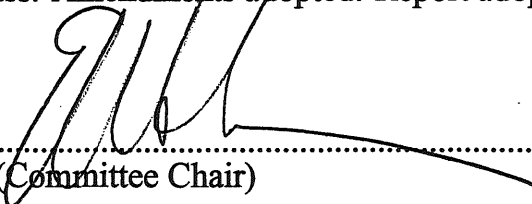
4.22 (1) provide public notice and revise the mercury limit for that unit, incorporating
4.23 that limit as an enforceable state-only limit in the facility's permit; and

4.24 (2) revise the unit's air permit on a biannual basis or as the plan for mercury
4.25 reduction at that unit is modified to ensure optimal mercury emissions reduction in light of
4.26 technical and operational advances made since the date of plan approval.

4.27 (e) For any coal-fired electric generating unit that is not in compliance with the
4.28 limits of subdivision 3 after one year, the public utility shall report its efforts to optimize
4.29 the operation of installed equipment quarterly to the Pollution Control Agency until
4.30 compliance with the emission limits set in subdivision 3 is attained."

4.31 Amend the title accordingly

4.32 And when so amended the bill do pass. Amendments adopted. Report adopted.

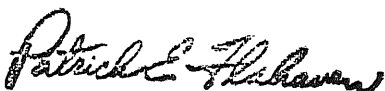

.....
(Committee Chair)

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March 24, 2006
(Date of Committee recommendation)

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ADOPTED BY THE SENATE
STATE OF MINNESOTA


SECRETARY OF THE SENATE

Senators Betzold; Johnson, D.E.; Jungbauer; Pogemiller and Senjem introduced--
S.F. No. 2061: Referred to the Committee on State and Local Government Operations.

A bill for an act

relating to stadiums; providing for the financing of a football stadium in Anoka County; creating a stadium authority; authorizing the county to levy and collect certain taxes; amending Minnesota Statutes 2004, sections 297A.68, by adding a subdivision; 297A.71, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 473J.

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

Section 1. Minnesota Statutes 2004, section 297A.68, is amended by adding a subdivision to read:

Subd. 40. [SALES IN STADIUM DISTRICT.] Sales made in the stadium district defined in section 473J.02, subdivision 4, are exempt.

Sec. 2. Minnesota Statutes 2004, section 297A.71, is amended by adding a subdivision to read:

Subd. 33. [STADIUM CONSTRUCTION MATERIALS AND EQUIPMENT EXEMPT.] Materials and supplies used or consumed in, and equipment incorporated into the construction of a National Football League stadium constructed under chapter 473J are exempt. The exemption under this subdivision terminates one year after the first National Football League game is played in the stadium.

Sec. 3. [473J.01] [PURPOSE.]

The legislature finds that construction of a new National Football League stadium in the city of Blaine, county of Anoka, serves a public purpose. The legislature finds that the public

1 purpose served includes retaining the Minnesota Vikings as a
2 part of Minnesota's public amenities for its citizens and as a
3 major attraction to visitors to the state, adding to the
4 economic development of the state, Anoka County, and surrounding
5 communities, attracting revenue from out of the state, and
6 preserving the contributions of football to the culture of
7 Minnesota and to the enjoyment of its citizens. Further, the
8 legislature finds that a National Football League stadium may be
9 financed as a public-private partnership between the state,
10 Anoka County, the Minnesota Vikings, and other supporting
11 interests that may contribute to the construction of a football
12 stadium and related facilities. The legislature further finds
13 that a new stadium should be coordinated with transportation and
14 transit plans and activities.

15 Sec. 4. [473J.02] [DEFINITIONS.]

16 Subdivision 1. [TERMS.] For the purposes of this chapter,
17 the terms defined in this section have the meanings given them
18 in this section, except as otherwise expressly provided or
19 indicated by the context.

20 Subd. 2. [AUTHORITY.] "Authority" means the Anoka
21 County-Blaine Stadium Authority.

22 Subd. 3. [SPORTS FACILITIES.] "Sports facilities" means
23 the stadium, adjoining structures related to the operation of
24 the stadium, practice facilities, and other supporting
25 infrastructure, including parking.

26 Subd. 4. [STADIUM DISTRICT.] "Stadium district" means a
27 district, containing the National Football League stadium and
28 consisting of no more than 740 contiguous acres surrounding the
29 sports facilities that is jointly designated by the authority,
30 Anoka County, and the city of Blaine.

31 Sec. 5. [473J.03] [LOCATION.]

32 The new National Football League stadium shall be located
33 in the city of Blaine, Anoka County, Minnesota.

34 Sec. 6. [473J.04] [ANOKA COUNTY-BLAINE STADIUM AUTHORITY;
35 MEMBERSHIP; ADMINISTRATION.]

36 Subdivision 1. [GENERAL.] The Anoka County-Blaine Stadium

1 Authority is established and shall be organized and administered
2 as provided in this section. The authority shall have those
3 powers authorized by section 473J.05.

4 Subd. 2. [MEMBERSHIP.] The authority shall have seven
5 members, three of whom shall be appointed by the Anoka County
6 Board of Commissioners and three of whom shall be appointed by
7 the Blaine city council. The seventh member shall be a chair
8 appointed as provided in subdivision 3.

9 Subd. 3. [CHAIR.] The chair shall be appointed by the
10 governor as the seventh voting member and shall meet all the
11 qualifications of a member. The chair shall preside at all
12 meetings of the authority, if present, and shall perform all
13 other duties and functions assigned by the authority or by law.
14 The authority may appoint from among its members a vice-chair to
15 act for the chair during temporary absence or disability.

16 Subd. 4. [QUALIFICATIONS.] A member shall not, during a
17 term of office, hold any judicial office or office of state
18 government. Each member shall qualify by taking and subscribing
19 the oath of office prescribed by the Minnesota Constitution,
20 article V, section 6.

21 Subd. 5. [TERMS.] The initial terms of three members shall
22 end the first Monday of January, 2010. Two of these members
23 must be appointed by the Anoka County Board, and one by the
24 Blaine city council. The terms of the other members and the
25 chair shall end the first Monday in January, 2012. Subsequent
26 terms of each member and chair shall be four years. The term
27 shall continue until a successor is appointed and qualified.
28 Members may be removed only for cause.

29 Subd. 6. [VACANCIES.] Vacancies shall be filled by the
30 appropriate appointing authority in the same manner in which the
31 original appointment was made.

32 Subd. 7. [COMPENSATION.] Each authority member shall be
33 paid \$50 for each day when the member attends one or more
34 meetings or provides other services, as authorized by the
35 authority, and shall be reimbursed for all actual and necessary
36 expenses incurred in the performance of duties. The chair of

1 the authority shall receive, unless otherwise provided by other
2 law, a salary in an amount fixed by the members of the authority
3 and shall be reimbursed for reasonable expenses to the same
4 extent as a member. The annual budget shall provide as a
5 separate account anticipated expenditures for per diem, travel,
6 and associated expenses for the chair and members, and
7 compensation or reimbursement shall be made to the chair and
8 members only when budgeted.

9 Subd. 8. [REGULAR AND SPECIAL MEETINGS.] The authority
10 shall meet regularly at least once each month, at a time and
11 place as the authority shall by resolution designate. Special
12 meetings may be held at any time upon the call of the chair or a
13 majority of the members, upon written notice to each member at
14 least three days prior to the meeting, or upon other notice that
15 the authority provides by resolution. Unless otherwise
16 provided, any action of the authority may be taken by
17 affirmative vote of a majority of the members. A majority of
18 all the members of the authority constitutes a quorum, but a
19 lesser number may meet and adjourn from time to time and compel
20 the attendance of absent members.

21 Subd. 9. [EXECUTIVE DIRECTOR.] The authority shall appoint
22 an executive director who shall be chosen on the basis of
23 training, experience, and other related qualifications. The
24 executive director shall serve at the pleasure of the authority,
25 but shall not vote, and shall have the following powers and
26 duties:

27 (1) see that all resolutions, rules, or orders of the
28 authority are enforced;

29 (2) appoint and remove all subordinate officers and regular
30 employees of the authority;

31 (3) present to the authority plans, studies, or reports
32 prepared for authority purposes and recommend to the authority
33 for adoption the measures the executive director deems necessary
34 to enforce or carry out the powers and duties of the authority,
35 or to the efficient administration of the affairs of the
36 authority;

1 (4) keep the authority fully advised as to its financial
2 condition, prepare and submit to the authority its annual
3 budget, and other financial information it requests;

4 (5) recommend to the authority for adoption the rules the
5 executive director deems necessary for the efficient operation
6 of the authority's functions; and

7 (6) perform other duties prescribed by the authority.

8 Sec. 7. [473J.05] [POWERS OF AUTHORITY.]

9 Subdivision 1. [GENERAL.] The authority has all powers
10 necessary or convenient to accomplish the purposes of this
11 chapter, including, but not limited to, those specified in this
12 section.

13 Subd. 2. [ACTIONS.] The authority may sue and be sued and
14 is a public body within the meaning of chapter 562.

15 Subd. 3. [ACQUISITION OF PROPERTY.] The authority may
16 acquire by lease, purchase, monetary or land contribution, or
17 devise all necessary right, title, and interest in and to real
18 or personal property deemed necessary to the purposes
19 contemplated by this chapter.

20 Subd. 4. [TAX EXEMPTIONS.] (a) Any real or personal
21 property acquired, owned, leased, controlled, used, or occupied
22 by the authority for any of the purposes of this chapter is
23 declared to be acquired, owned, leased, controlled, used, and
24 occupied for public, governmental, and municipal purposes, and
25 is exempt from ad valorem taxation by the state or any political
26 subdivision of the state. The properties are subject to special
27 assessments levied by a political subdivision for a local
28 improvement in amounts proportionate to and not exceeding the
29 special benefit received by the properties from the
30 improvement. No possible use of any of the properties in any
31 manner different from their use under this chapter at the time
32 shall be considered in determining the special benefit received
33 by the properties. All assessments are subject to final
34 confirmation by the authority, whose determination of the
35 benefits is conclusive upon the political subdivision levying
36 the assessment. Notwithstanding section 272.01, subdivision 2,

1 or 273.19, property leased by the authority to another person
2 for uses related to the purposes of this chapter is exempt from
3 taxation regardless of the length of the lease. This exemption
4 includes concessions, suites, locker rooms, and clubhouse
5 facilities in the stadium and parking facilities on the stadium
6 site. It does not include team offices, residential, business,
7 or commercial development, or other property not directly
8 related to the operation of a stadium facility.

9 (b) No state or local tax, other than the tax imposed under
10 section 473J.09, applies to admission to or sales made at the
11 sports facilities financed under this chapter.

12 Subd. 5. [LIQUOR LICENSES.] The city of Blaine may issue
13 one or more intoxicating liquor licenses for the stadium. These
14 licenses are in addition to the number authorized by law. All
15 provisions of chapter 340A not inconsistent with this
16 subdivision apply to the licenses authorized under this
17 subdivision.

18 Subd. 6. [FACILITY OPERATION.] The authority may equip,
19 improve, operate, manage, maintain, and control the sports
20 facilities constructed, remodeled, or acquired under the
21 provisions of this chapter. The authority may delegate any of
22 these duties to a qualified third party. The authority must
23 seek to promote and maximize the use of the sports facilities
24 for nonfootball events.

25 Subd. 7. [DISPOSITION OF PROPERTY.] The authority may
26 sell, lease, or otherwise dispose of any real or personal
27 property acquired by it, which is no longer required for
28 accomplishment of its purposes. The property must be sold in
29 accordance with the procedures provided by section 469.065,
30 except subdivisions 6 and 7.

31 Subd. 8. [GIFTS AND GRANTS.] The authority may accept
32 donations of money, property, or services; may apply for and
33 accept grants or loans of money or other property from the
34 United States, the state, any subdivision of the state, or any
35 person for any of its purposes; may enter into any agreement
36 required in connection therewith; and may hold, use, and dispose

1 of the donations according to the terms of the gifts, grant,
2 loan, or agreement. In evaluating proposed monetary
3 contributions, grants, loans, and agreements required in
4 connection therewith, the authority shall examine the possible
5 short-range and long-range impact on authority revenues and
6 authority operating expenditures. The authority must notify
7 potential contributors that contributions qualify for the
8 charitable contribution deductions under section 170 of the
9 Internal Revenue Code, provided that the contributor does not
10 receive substantial direct benefit from the contribution.

11 Subd. 9. [ISSUANCE OF BONDS.] The authority may authorize
12 the sale and issuance of bonds in the manner and for the
13 purposes set out in section 473J.06.

14 Subd. 10. [IMPOSE SALES AND USE TAXES IN STADIUM
15 DISTRICT.] The authority may impose sales and use taxes in the
16 stadium district at rates not to exceed those provided for in
17 sections 297A.62 and 297A.63. Revenue received from these taxes
18 is pledged and must be used to pay bonds issued under section
19 473J.06.

20 Subd. 11. [RESEARCH.] The authority may conduct research
21 studies and programs; collect and analyze data; prepare reports,
22 maps, charts, and tables; and conduct all necessary hearings and
23 investigations in connection with its functions.

24 Subd. 12. [USE AGREEMENTS.] The authority may lease,
25 license, or enter into agreements and may fix, alter, charge,
26 and collect rentals, fees, and charges to all persons for the
27 use, occupation, and availability of part or all of any
28 premises, property, or facilities under its ownership,
29 operation, or control for purposes that will provide athletic,
30 educational, cultural, commercial, or other entertainment,
31 instruction, or activity for citizens of the state of Minnesota
32 and visitors. Any use agreement may provide that the other
33 contracting party has exclusive use of the premises at the times
34 agreed upon, including exclusive use and control for the term of
35 its agreement by the Minnesota Vikings.

36 Subd. 13. [INSURANCE.] The authority may require any

1 employee to obtain and file with it an individual bond or
2 fidelity insurance policy. It may procure insurance in the
3 amounts it considers necessary against liability of the
4 authority or its officers and employees for personal injury or
5 death and property damage or destruction, with the force and
6 effect stated in chapter 466, and against risks of damage to or
7 destruction of any of its facilities, equipment, or other
8 property.

9 Subd. 14. [CREATING A CONDOMINIUM.] The authority may, by
10 itself or together with any other entity, as to real or personal
11 property comprising or appurtenant or ancillary to the stadium
12 constructed and operated under this chapter or other law, act as
13 a declarant and establish a condominium or leasehold condominium
14 under chapter 515A, or a common interest community or leasehold
15 common interest community under chapter 515B, and may grant,
16 establish, create, or join in other or related easements,
17 agreements, and similar benefits and burdens that the authority
18 may consider necessary or appropriate, and exercise any and all
19 rights and privileges and assume obligations under them as a
20 declarant, unit owner, or otherwise, insofar as practical and
21 consistent with applicable law. The authority may be a member
22 of an association and the chair, any commissioners, and any
23 officers and employees of the authority may serve on the board
24 of an association under chapter 515A or 515B or other law.

25 Subd. 15. [PROCUREMENT.] (a) The authority and the
26 Minnesota Vikings shall jointly select a construction manager.
27 With respect to the construction of the stadium, the
28 construction manager must:

29 (1) guarantee a maximum cost of construction; and
30 (2) provide payment and performance bonds or other security
31 reasonably acceptable to the authority in an amount equal to the
32 guaranteed maximum cost of construction, and shall comply with
33 all employment requirements applicable to city and state
34 contracts for construction, including prevailing wages as
35 defined in section 177.42, affirmative action, and outreach.

36 (b) The lessee under the stadium lease described in

1 paragraph (c) or the construction manager may enter into
2 contracts with contractors for labor, materials, supplies, and
3 equipment to equip and construct the new stadium through the
4 process of public bidding.

5 (c) The lessee or the construction manager may:

6 (1) limit the list of eligible bidders to those that the
7 construction manager determines possess sufficient expertise to
8 perform the intended functions;

9 (2) award contracts to the contractors that the
10 construction manager determines provide the best value, which
11 need not be the lowest responsible bidder; and

12 (3) for work the construction manager determines to be
13 critical to the completion schedule, the construction manager
14 may award contracts on the basis of competitive proposals or
15 perform work with its own forces without soliciting competitive
16 bids if the construction manager provides evidence of
17 competitive pricing.

18 Sec. 8. [473J.06] [ISSUANCE OF BONDS.]

19 Subdivision 1. [BONDS.] The authority may by resolution,
20 by a vote of a majority of all of its members, authorize the
21 sale and issuance of its bonds for any or all of the following
22 purposes:

23 (1) to provide funds and pay costs to predesign, design,
24 construct, furnish, equip, and otherwise improve or better the
25 sports facilities owned or to be owned by the authority pursuant
26 to this act;

27 (2) to establish a reserve fund or funds for the bonds and
28 to pay costs of issuance of the bonds;

29 (3) to refund bonds issued under this section; and

30 (4) to fund judgments entered by any court against the
31 authority in matters relating to the authority's functions
32 related to the sports facilities.

33 Subd. 2. [PROCEDURE.] The bonds shall be sold, issued, and
34 secured on the terms and conditions the authority determines to
35 be in the best interests of the authority and residents therein,
36 except as otherwise provided in this chapter. The bonds may be

1 sold at any price and at public or private sale as determined by
2 the authority. They shall be payable solely from tax and other
3 revenues referred to in this chapter. The bonds shall not be a
4 general obligation or debt of the authority or any city, county,
5 or the state, and shall not be included in the net debt of any
6 city, county, or other subdivision of the state for the purpose
7 of any net debt limitation. No election shall be required.

8 Subd. 3. [LIMITATIONS.] The principal amount of the bonds
9 issued under subdivision 1, clauses (1) and (2), shall not
10 exceed the amounts authorized in this subdivision. The
11 principal amount of bonds issued under subdivision 1, clauses
12 (1) and (2), shall be limited to \$650,000,000 plus those amounts
13 necessary to fund appropriate reserves and pay issuance costs.
14 The authority shall issue its bonds and construction of the
15 stadium may commence when the authority has made the following
16 determinations:

17 (1) the authority has executed a long-term use agreement
18 with the Minnesota Vikings, meeting the requirements of section
19 473J.07;

20 (2) the authority has executed a development and financing
21 agreement with Anoka County, the city of Blaine, and the
22 Minnesota Vikings meeting the requirements of section 473J.08;

23 (3) the proceeds of bonds authorized and provided for in
24 this subdivision will be sufficient, together with other capital
25 funds that may be available to the authority for expenditure on
26 the sports facilities, including, except as otherwise provided
27 in this subdivision, the acquisition, clearance, relocation, and
28 legal costs referred to in clauses (4) and (5);

29 (4) the authority has acquired title to or an interest in
30 all real property, including all easements, air rights, and
31 other appurtenances needed for the construction and operation of
32 the sports facility or has received a grant of funds or has
33 entered into agreements sufficient in the judgment of the
34 authority to assure the receipt of funds, at the time and in the
35 amount required, to make any payment upon which the authority's
36 acquisition of title or interest in and possession of the real

1 property is conditioned;

2 (5) the authority has received a grant of funds or entered
3 into agreements sufficient in the judgment of the authority to
4 assure the receipt of funds, at the time and in the amount
5 required, to pay all costs, except as provided in this
6 subdivision, of clearing the real property needed for the
7 construction and operation of the sports facilities, railroad
8 tracks, and other structures, including, without limitation, all
9 relocation costs, all utility relocation costs, and all legal
10 costs;

11 (6) the authority has executed agreements to prevent
12 strikes that would halt, delay, or impede construction of the
13 sports facilities;

14 (7) the authority has executed agreements that will provide
15 for the construction of the sports facilities for a certified or
16 guaranteed construction price and completion date and which
17 include performance bonds in an amount at least equal to 100
18 percent of the certified or guaranteed price to cover any costs
19 that may be incurred over and above the certified price,
20 including, but not limited to, costs incurred by the authority
21 or loss of revenues resulting from incomplete construction on
22 the completion date;

23 (8) the anticipated revenue from the operation of the
24 sports facilities plus any additional available revenue of the
25 authority will be an amount sufficient to pay when due all debt
26 service on the bonds plus all administration, operating, and
27 maintenance expense of the sports facilities;

28 (9) the authority has determined that all public and
29 private funding sources for construction and operation of the
30 sports facilities are officially committed in writing and
31 enforceable. The committed funds must be adequate to site,
32 design, construct, furnish, equip, and service the sports
33 facilities debt, as well as to pay for the ongoing operation and
34 maintenance of the stadium;

35 (10) the authority shall ensure that a guaranty is in place
36 in a form satisfactory to the authority. The guaranty may be in

1 the form of a letter of credit, minimum net worth requirements,
2 personal guaranties or other surety covering the payments on
3 terms determined by the authority's negotiations with the
4 Minnesota Vikings; and

5 (11) the validity of any bonds issued under subdivision 1,
6 clauses (1) and (2), and the obligation of the authority related
7 to them, shall not be conditioned upon or impaired by the
8 authority's determinations made under this subdivision. For
9 purposes of using the bonds, the determinations made by the
10 authority shall be deemed conclusive and the authority shall be
11 and remain obligated for the security and payment of the bonds
12 irrespective of determinations that may be erroneous,
13 inaccurate, or otherwise mistaken.

14 Subd. 4. [SECURITY.] To the extent and in the manner
15 provided in this chapter, the taxes described in this chapter,
16 the tax and other revenues of the authority described in this
17 act, and any other revenues of the authority attributable to the
18 sports facilities, including teams' and Anoka County
19 contributions, shall be and remain pledged and appropriated to
20 the authority as appropriate for the payment of all necessary
21 and reasonable expenses of the operation, administration,
22 maintenance of the sports facilities, and debt service of the
23 bonds until all bonds or certificates of indebtedness issued
24 pursuant to this chapter are fully paid or discharged in
25 accordance with law. Bonds issued pursuant to this chapter may
26 be secured by a bond resolution, or by a trust indenture entered
27 into by the authority with a corporate trustee within or outside
28 the state, which shall define the tax and team contributions,
29 and other sports facilities revenues pledged for the payment and
30 security of the bonds. The pledge shall be a valid charge on
31 the tax and all other revenues referred to in this chapter from
32 the date when bonds are first issued or secured under the
33 resolution or indenture and shall secure the payment of
34 principal and interest and redemption premiums when due and the
35 maintenance at all times of a reserve or reserves securing
36 payments. No mortgage of or security interest in any tangible

1 real or personal property shall be granted to the bondholders or
2 the trustee, but they shall have a valid security interest in
3 all tax and other revenues received and accounts receivable by
4 the authority shall be hereunder, as against the claims of all
5 other persons in tort, contract, or otherwise, irrespective of
6 whether the parties have notice of the claims, and without
7 possession or filing as provided in the Uniform Commercial Code
8 or any other law. In the bond resolution or trust indenture,
9 the authority may make covenants, which shall be binding upon
10 the authority, that are determined to be usual and reasonably
11 necessary for the protection of the bondholders. No pledge
12 shall be revoked or amended by law or by action of the authority
13 or county except in accordance with the terms of the bond
14 resolution or indenture under which the bonds are issued, until
15 the obligations of the authority are fully discharged.

16 Subd. 5. [NO FULL FAITH AND CREDIT.] Any bonds or other
17 obligations issued by the authority under this act are not
18 public debt of the state, and the full faith and credit and
19 taxing powers of the state are not pledged for their payment or
20 of any payments that the state agrees to make under this act.

21 Subd. 6. [TAXABILITY OF INTEREST ON BONDS.] The bonds
22 authorized by this act may be issued whether or not the interest
23 to be paid on them is gross income for federal tax purposes,
24 provided that the authority must make an effort to arrange the
25 financing for the project in a manner that would allow the
26 interest to be tax-exempt to the greatest extent possible.

27 Sec. 9. [473J.07] [DEVELOPMENT AND FINANCING AGREEMENT.]

28 Subdivision 1. [AGREEMENT REQUIRED.] Prior to the issuance
29 of bonds under section 473J.06, the authority shall negotiate
30 and enter into an agreement with Anoka County, the city of
31 Blaine, and the Minnesota Vikings concerning the terms and
32 conditions under which the parties will make contributions of
33 funds, future revenues, interests in property for the site and
34 public infrastructure, the method of completing design and
35 construction, which may include the design build process, the
36 integration of the stadium and related infrastructure with

1 surrounding development, and other matters relating to the
2 stadium, its operation, maintenance, and financing. This
3 agreement shall, at a minimum, meet the requirements of this
4 section.

5 Subd. 2. [TOTAL PUBLIC INVESTMENT TOWARDS PROJECT
6 COSTS.] The total public investment, including Anoka County's
7 revenue contributions and revenues collected by the authority in
8 the stadium district defined in section 473J.02, subdivision 2,
9 shall not exceed two-thirds of the sports facilities' costs.

10 Subd. 3. [TEAM CONTRIBUTION.] The team must contribute no
11 less than one-third of the sports facility costs. Team
12 contributions may include, but are not limited to, initial cash
13 contributions, guaranteed annual payments, and assignments of
14 naming rights and permanent seat licenses, but does not include
15 payments of operating and maintenance expenses for the stadium,
16 which must be made by the team. In addition to any other team
17 contribution, the team must assume and pay when due all cost
18 overruns for the stadium.

19 Sec. 10. [473J.08] [USE AGREEMENT.]

20 Subdivision 1. [REQUIREMENT.] Prior to the issuance of
21 bonds under section 473J.06, the authority must have entered
22 into an agreement with the Minnesota Vikings and the National
23 Football League meeting the requirements of this section.

24 Subd. 2. [AGREEMENT WITH MINNESOTA VIKINGS.] The authority
25 shall enter into a use agreement with the Minnesota Vikings
26 that, at a minimum, provides for the following:

27 (1) the Minnesota Vikings will use the stadium for all
28 scheduled home preseason, regular season, and postseason games
29 that the team is entitled to play at home for a term of not less
30 than 30 years;

31 (2) the agreement must include terms for default,
32 termination, and breach of agreement; and

33 (3) the agreement must require specific performance and
34 must not include escape clauses or buyout provisions.

35 Subd. 3. [AGREEMENT WITH NATIONAL FOOTBALL LEAGUE.] The
36 authority shall enter into an agreement with the National

1 Football League guaranteeing the continuance of the Minnesota
2 Vikings in the metropolitan area for the period of the
3 agreements referred to in subdivision 2, clause (1).

4 Sec. 11. [473J.09] [ANOKA COUNTY REVENUE SOURCES.]

5 Subdivision 1. [GENERAL.] Anoka County may utilize the
6 following revenue sources to make contributions to its share of
7 the total stadium project costs.

8 Subd. 2. [TAXING AUTHORITY.] To provide local government
9 revenues to finance the stadium under this act, Anoka County may:

10 (1) impose a ticket tax, a tax on restaurants, places of
11 amusement, alcoholic beverages or prepared food, or a tax on
12 lodging, or any of them;

13 (2) impose a tax on sports memorabilia as defined by the
14 authority that is sold within the stadium facilities; or

15 (3) impose a general sales and use tax on sales of goods
16 and services within its jurisdiction of not more than 0.75
17 percent.

18 These taxes may be imposed notwithstanding the provisions of
19 section 477A.016. The requirements of section 297A.99 do not
20 apply to any tax imposed under this subdivision.

21 Subd. 3. [PARKING SURCHARGES.] Anoka County may impose a
22 parking surcharge on parking in the stadium district.

23 Sec. 12. [473J.10] [ENVIRONMENTAL REQUIREMENTS.]

24 The authority must ensure that environmental requirements
25 imposed by appropriate regulatory agencies for the sports
26 facilities are complied with.

1.1 A bill for an act

1.3 relating to a ballpark for major league baseball; providing for the financing,
1.4 construction, operation, and maintenance of the ballpark and related facilities;
1.5 establishing the Minnesota Ballpark Authority; providing powers and duties
1.6 of the authority; providing a community ownership option; authorizing
1.7 Hennepin County to issue bonds and to contribute to ballpark costs and to
1.8 engage in ballpark and related activities; authorizing local sales and use taxes
1.9 and revenues; exempting Minnesota State High School League events from
1.10 sales taxes; requiring the Minnesota State High School League to transfer
1.11 tax savings to a foundation to promote extracurricular activities; exempting
1.12 building materials used for certain local government projects from certain taxes;
1.13 amending Minnesota Statutes 2004, sections 297A.70, subdivision 11; 297A.71,
1.14 by adding subdivisions; Minnesota Statutes 2005 Supplement, section 10A.01,
1.15 subdivision 35; repealing Minnesota Statutes 2004, sections 473I.01; 473I.02;
1.16 473I.03; 473I.04; 473I.05; 473I.06; 473I.07; 473I.08; 473I.09; 473I.10; 473I.11;
473I.12; 473I.13.

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

1.18 Section 1. Minnesota Statutes 2005 Supplement, section 10A.01, subdivision 35,
1.19 is amended to read:

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

1.21 (1) member of the legislature;

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

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

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

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

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

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

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

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

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

2.12 (11) administrative law judge or compensation judge in the State Office of
 2.13 Administrative Hearings or referee in the Department of Employment and Economic
 2.14 Development;

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

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

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

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

2.21 (16) member of the board of directors or president of Minnesota Technology, Inc.; or

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

2.24 (18) member of the Minnesota Ballpark Authority established in section 7.

2.25 Sec. 2. Minnesota Statutes 2004, section 297A.70, subdivision 11, is amended to read:

2.26 Subd. 11. **School tickets or admissions.** Tickets or admissions to regular season
 2.27 school games, events, and activities, and to games, events, and activities sponsored by the
 2.28 Minnesota State High School League under chapter 128C, are exempt. For purposes of
 2.29 this subdivision, "school" has the meaning given it in section 120A.22, subdivision 4.

2.30 **EFFECTIVE DATE.** This section is effective for sales after June 30, 2006.

2.31 Sec. 3. Minnesota Statutes 2004, section 297A.71, is amended by adding a subdivision
 2.32 to read:

2.33 Subd. 37. **Building materials; exemption.** Materials and supplies used or
 2.34 consumed in, and equipment incorporated into, the construction or improvement of the

3.1 ballpark and public infrastructure constructed pursuant to sections 6 to 15 are exempt.
 3.2 This subdivision expires one year after the date that the first major league baseball game
 3.3 is played in the ballpark for materials, supplies, and equipment used in the ballpark, and
 3.4 five years after the issuance of the first bonds under section 9 for materials, supplies, and
 3.5 equipment used in the public infrastructure.

3.6 Sec. 4. Minnesota Statutes 2004, section 297A.71, is amended by adding a subdivision
 3.7 to read:

3.8 Subd. 38. Local government; building materials exemption. Materials and
 3.9 supplies used or consumed in, and equipment incorporated into the construction or
 3.10 improvement of a building or other capital project by a local government when the
 3.11 building or project will be for public purposes is exempt.

3.12 EFFECTIVE DATE. This section is effective for purchases made after June 30,
 3.13 2009.

3.14 Sec. 5. HIGH SCHOOL LEAGUE; FUNDS TRANSFER.

3.15 Beginning July 1, 2007, the Minnesota State High School League shall annually
 3.16 determine the sales tax savings attributable to Minnesota Statutes, section 297A.70,
 3.17 subdivision 11, and annually transfer that amount to a nonprofit charitable foundation
 3.18 created for the purpose of promoting high school extracurricular activities. The funds must
 3.19 be used by the foundation to make grants to fund, assist, recognize, or promote high school
 3.20 students' participation in extracurricular activities. This section expires June 30, 2017.

3.21 Sec. 6. CONSTRUCTION AND FINANCING OF MAJOR LEAGUE
 3.22 BALLPARK.

3.23 Subdivision 1. Purpose; findings. The purpose of this act is to provide for the
 3.24 construction, financing, and long-term use of a ballpark primarily as a venue for major
 3.25 league baseball. It is hereby found and declared that the expenditure of public funds for
 3.26 this purpose is necessary and serves a public purpose. It is further found and declared
 3.27 that any provision in a lease or use agreement with a major league team, that requires
 3.28 the team to play its home games in such a ballpark for the duration of the lease or use
 3.29 agreement, serves a unique public purpose for which the remedies of specific performance
 3.30 and injunctive relief are essential to its enforcement. It is further found and declared
 3.31 that government assistance to facilitate the presence of major league baseball provides
 3.32 to Hennepin County, the state of Minnesota, and its citizens highly valued intangible
 3.33 benefits that are virtually impossible to quantify and, therefore, not recoverable even if

4.1 the government receives monetary damages in the event of a team's breach of contract.
4.2 Minnesota courts are, therefore, charged with protecting those benefits through the use
4.3 of specific performance and injunctive relief as provided herein and in the lease and
4.4 use agreements.

4.5 Subd. 2. Definitions. As used in this act, the following terms have the meanings
4.6 given in this subdivision:

4.7 (a) "Authority" means the Minnesota Ballpark Authority established under section 7.

4.8 (b) "Ballpark" means the stadium suitable for major league baseball to be constructed
4.9 and financed under this act.

4.10 (c) "Ballpark costs" means, unless the context otherwise indicates, the cost of
4.11 designing, constructing, and equipping a ballpark suitable for major league baseball.

4.12 "Ballpark costs" excludes the cost of land acquisition, site improvements, utilities, site
4.13 demolition, environmental remediation, railroad crash wall, site furnishings, landscaping,
4.14 railroad right-of-way development, district energy, site graphics and artwork and other
4.15 site improvements identified by the authority, public infrastructure, capital improvement
4.16 reserves, bond reserves, capitalized interest, and financing costs.

4.17 (d) "County" means Hennepin County.

4.18 (e) "Development area" means the area in the city of Minneapolis bounded
4.19 by marked Interstate Highway 394, vacated Holden Street, the Burlington Northern
4.20 right-of-way, Seventh Street North, Sixth Avenue North, Fifth Street North, the Burlington
4.21 Northern right-of-way, and the Interstate Highway 94 exit ramp.

4.22 (f) "Public infrastructure" means all property, facilities, and improvements
4.23 determined by the authority or the county to facilitate the development and use of
4.24 the ballpark, including but not limited to property and improvements for drainage,
4.25 environmental remediation, parking, roadways, walkways, skyways, pedestrian bridges,
4.26 bicycle paths, and transit improvements to facilitate public access to the ballpark, lighting,
4.27 landscaping, utilities, streets, and streetscapes.

4.28 (g) "Streetscape" means improvements to streets and sidewalks or other public
4.29 right-of-way for the purpose of enhancing the movement, safety, convenience, or
4.30 enjoyment of ballpark patrons and other pedestrians, including decorative lighting and
4.31 surfaces, plantings, display and exhibit space, adornments, seating, and transit and bus
4.32 shelters, which are designated as streetscape by the county.

4.33 (h) "Team" means the owner and operator of the baseball team currently known
4.34 as the Minnesota Twins or any team owned and operated by someone who purchases
4.35 or otherwise takes ownership or control of or reconstitutes the baseball team currently
4.36 known as the Minnesota Twins.

5.1 Subd. 3. Location. The ballpark must be located in the city of Minneapolis at a
5.2 site within the development area.

5.4 Subd. 4. Property tax exemption; special assessments. Any real or personal
5.5 property acquired, owned, leased, controlled, used, or occupied by the authority or county
5.6 for any of the purposes of this act is declared to be acquired, owned, leased, controlled,
5.7 used, and occupied for public, governmental, and municipal purposes, and is exempt from
5.8 ad valorem taxation by the state or any political subdivision of the state; provided that
5.9 the properties are subject to special assessments levied by a political subdivision for
5.10 a local improvement in amounts proportionate to and not exceeding the special benefit
5.11 received by the properties from the improvement. No possible use of any of the properties
5.12 in any manner different from their use under this act at the time may be considered in
5.13 determining the special benefit received by the properties. Notwithstanding Minnesota
5.14 Statutes, section 272.01, subdivision 2, or 273.19, real or personal property subject to a
5.15 lease or use agreement between the authority or county and another person for uses related
5.16 to the purposes of this act, including the operation of the ballpark and related parking
5.17 facilities, is exempt from taxation regardless of the length of the lease or use agreement.
5.18 This subdivision, insofar as it provides an exemption or special treatment, does not apply
5.19 to any real property that is leased for residential, business, or commercial development or
5.20 other purposes different from those contemplated in this act.

5.21 Subd. 5. Employees and vendors. (a) The Minnesota Ballpark Authority shall
5.22 make good faith efforts to have entry-level middle management and upper management
5.23 staffed by minority and female employees. The authority shall also make best efforts to
5.24 employ women and members of minority communities. The authority shall make good
5.25 faith efforts to utilize minority and female-owned businesses in Hennepin County. Best
5.26 efforts shall be made to use vendors of goods and services provided by minority and
5.27 female-owned businesses from Hennepin County.

5.28 (b) The authority shall contract with an employment assistance firm, preferably
5.29 minority owned, to create an employment program to recruit, hire, and retain minorities
5.30 for the stadium facility. The authority shall hold a job fair and recruit and advertise at
5.31 Minneapolis Urban League, Sabathani, American Indian OIC, Youthbuild organizations,
5.32 and other such organizations.

5.33 (c) The authority shall report the efforts made in paragraphs (a) and (b) to the
5.34 attorney general.

5.34 **Sec. 7. MINNESOTA BALLPARK AUTHORITY.**

6.1 Subdivision 1. Establishment. To achieve the purposes of this act, the Minnesota
6.2 Ballpark Authority is established as a public body, corporate and politic, and political
6.3 subdivision of the state. The authority is not a joint powers entity or an agency or
6.4 instrumentality of the county.

6.5 Subd. 2. Composition. (a) The Minnesota Ballpark Authority shall be governed
6.6 by a commission consisting of:

6.7 (1) two members appointed by the governor;

6.8 (2) two members, including the chair, appointed by the county board; and

6.9 (3) one member appointed by the governing body of the city of Minneapolis.

6.10 (b) All members appointed under paragraph (a), clause (1), serve at the pleasure of
6.11 the governor. All members appointed under paragraph (a), clause (2), serve at the pleasure
6.12 of the county board. The member appointed under paragraph (a), clause (3), serves at the
6.13 pleasure of the governing body of the city of Minneapolis.

6.14 (c) Compensation of members appointed under paragraph (a) is governed by
6.15 Minnesota Statutes, section 15.0575.

6.16 (d) One member appointed under paragraph (a), clause (1), must be a resident of
6.17 a county other than Hennepin. All other members appointed under paragraph (a) must
6.18 be residents of Hennepin County.

6.19 (e) No member of the Minnesota Ballpark Authority may have served as an elected
6.20 official of the city of Minneapolis or Hennepin County for a period of two years prior
6.21 to appointment to the authority.

6.22 (f) The legislature intends that the ballpark be constructed to be operational for
6.23 the team and the public no later than the opening of the 2010 season. Accordingly, the
6.24 appointing authorities must make their appointments to the authority within 30 days
6.25 of enactment of this act, and if the governing bodies of the city of Minneapolis or the
6.26 county should fail to do so, the governor may appoint an interim member to serve until the
6.27 authorized appointment is made. The first meeting of the members shall take place at the
6.28 direction of the chair within 45 days of enactment of this act. Further, the authority must
6.29 proceed with due speed in all of its official organizing activities and in making decisions
6.30 with respect to the development agreement and lease or use agreement authorized by this
6.31 act or any other agreements or matters as necessary to meet the timetables set forth in
6.32 this act. Any three members shall constitute a quorum for the conduct of business and
6.33 action may be taken upon the vote of a majority of members present at a meeting duly
6.34 called and held.

6.35 Subd. 3. Chair. The chair shall preside at all meetings of the commission, if
6.36 present, and shall perform all other assigned duties and functions. The commission may

7.1 appoint from among its members a vice-chair to act for the chair during the temporary
7.2 absence or disability of the chair.

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

7.9 Subd. 5. **Executive director.** The commission shall appoint an executive director
7.10 to serve as the chief executive officer of the authority, which appointment shall be made
7.11 within 30 days of the first meeting of the members.

7.12 Subd. 6. **Web site.** The authority shall establish a Web site for purposes of
7.13 providing information to the public concerning all actions taken by the authority. At a
7.14 minimum, the Web site must contain a current version of the authority's bylaws, notices
7.15 of upcoming meetings, minutes of the authority's meetings, and contact telephone and
7.16 facsimile numbers for public comments.

7.17 **Sec. 8. POWERS OF AUTHORITY.**

7.18 Subdivision 1. **Actions.** The authority may sue and be sued. The authority is a
7.19 public body and the ballpark and public infrastructure are public improvements within the
7.20 meaning of Minnesota Statutes, chapter 562. The authority is a municipality within the
7.21 meaning of Minnesota Statutes, chapter 466.

7.22 Subd. 2. **Acquisition of property.** The authority may acquire from any public or
7.23 private entity by lease, purchase, gift, or devise all necessary right, title, and interest in
7.24 and to real property, air rights, and personal property deemed necessary to the purposes
7.25 contemplated by this act.

7.26 Subd. 3. **Data practices; open meetings.** Except as otherwise provided in this act,
7.27 the authority is subject to Minnesota Statutes, chapters 13 and 13D.

7.28 Subd. 4. **Facility operation.** The authority may equip, improve, operate, manage,
7.29 maintain, and control the ballpark and related facilities constructed, remodeled, or
7.30 acquired under this act as smoke-free facilities, subject to the rights and obligations
7.31 transferred to and assumed by the team or other user under the terms of a lease or use
7.32 agreement, but in no case may a lease or use agreement permit smoking in the ballpark.

7.33 Subd. 5. **Disposition of property.** The authority may sell, lease, or otherwise
7.34 dispose of any real or personal property acquired by it that is no longer required for
7.35 accomplishment of its purposes. The property may be sold in accordance with the

8.1 procedures provided by Minnesota Statutes, section 469.065, except subdivisions 6 and 7,
8.2 to the extent the authority deems it to be practical and consistent with this act. Title to the
8.3 ballpark shall not be transferred or sold prior to the effective date of enactment of any
8.4 legislation approving such transfer or sale.

8.5 Subd. 6. **Employees; contracts for services.** The authority may employ persons
8.6 and contract for services necessary to carry out its functions, including the utilization of
8.7 employees and consultants retained by other governmental entities. The authority shall
8.8 enter into an agreement with the city of Minneapolis regarding traffic control for the
8.9 ballpark.

8.10 Subd. 7. **Gifts and grants.** The authority may accept monetary contributions,
8.11 property, services, and grants or loans of money or other property from the United States,
8.12 the state, any subdivision of the state, any agency of those entities, or any person for any
8.13 of its purposes, and may enter into any agreement required in connection with them. The
8.14 authority shall hold, use, and dispose of the money, property, or services according to the
8.15 terms of the monetary contributions, grant, loan, or agreement.

8.16 Subd. 8. **Research.** The authority may conduct research studies and programs;
8.17 collect and analyze data; prepare reports, maps, charts, and tables; and conduct all
8.18 necessary hearings and investigations in connection with its functions.

8.19 Subd. 9. **Use agreements.** The authority may lease, license, or enter into use
8.20 agreements and may fix, alter, charge, and collect rentals, fees, and charges for the use,
8.21 occupation, and availability of part or all of any premises, property, or facilities under
8.22 its ownership, operation, or control for purposes that will provide athletic, educational,
8.23 cultural, commercial, or other entertainment, instruction, or activity for the citizens of
8.24 Minnesota and visitors. Any such use agreement may provide that the other contracting
8.25 party has exclusive use of the premises at the times agreed upon, as well as the right to
8.26 retain some or all revenues from ticket sales, suite licenses, concessions, advertising,
8.27 naming rights, and other revenues derived from the ballpark. The lease or use agreement
8.28 with a team shall provide for the payment by the team of operating and maintenance costs
8.29 and expenses and provide other terms the authority and team agree to.

8.30 Subd. 10. **Insurance.** The authority may require any employee to obtain and
8.31 file with it an individual bond or fidelity insurance policy. It may procure insurance in
8.32 the amounts it considers necessary against liability of the authority or its officers and
8.33 employees for personal injury or death and property damage or destruction, consistent
8.34 with Minnesota Statutes, chapter 466, and against risks of damage to or destruction of any
8.35 of its facilities, equipment, or other property.

9.1 Subd. 11. Exemption from council review; business subsidy act. The acquisition
9.2 and betterment of a ballpark by the authority must be conducted pursuant to this act and
9.3 are not subject to Minnesota Statutes, sections 473.165 and 473.173. Minnesota Statutes,
9.4 section 116J.994, does not apply to any transactions of the county, the authority, or other
9.5 governmental entity related to the ballpark or public infrastructure, or to any tenant or
9.6 other users of them.

9.7 Subd. 12. Contracts. The authority may enter into a development agreement with
9.8 the team, the county, or any other entity relating to the construction, financing, and use of
9.9 the ballpark and related facilities and public infrastructure. The authority may contract
9.10 for materials, supplies, and equipment in accordance with section 6, subdivision 5, and
9.11 Minnesota Statutes, section 471.345, except that the authority, with the consent of the
9.12 county, may employ or contract with persons, firms, or corporations to perform one or more
9.13 or all of the functions of architect, engineer, or construction manager with respect to all or
9.14 any part of the ballpark and public infrastructure. Alternatively, at the request of the team
9.15 and with the consent of the county, the authority shall authorize the team to provide for
9.16 the design and construction of the ballpark, subject to terms of this act. The construction
9.17 manager may enter into contracts with contractors for labor, materials, supplies, and
9.18 equipment for the construction of the ballpark through the process of public bidding,
9.19 except that the construction manager may, with the consent of the authority or the team:

9.20 (1) narrow the listing of eligible bidders to those which the construction manager
9.21 determines to possess sufficient expertise to perform the intended functions;

9.22 (2) award contracts to the contractors that the construction manager determines
9.23 provide the best value, which are not required to be the lowest responsible bidder; and

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

9.28 The authority may require that the construction manager shall certify, before the contract
9.29 is finally signed, a fixed and stipulated construction price and completion date to the
9.30 authority and shall post a bond in an amount at least equal to 100 percent of the certified
9.31 price, to cover any costs which may be incurred in excess of the certified price, including
9.32 but not limited to costs incurred by the authority or loss of revenues resulting from
9.33 incomplete construction on the completion date. The authority may secure surety bonds
9.34 as provided in Minnesota Statutes, section 574.26, securing payment of just claims in
9.35 connection with all public work undertaken by it. Persons entitled to the protection of the
9.36 bonds may enforce them as provided in Minnesota Statutes, sections 574.28 to 574.32,

10.1 and shall not be entitled to a lien on any property of the authority under the provisions of
10.2 Minnesota Statutes, sections 514.01 to 514.16. Contracts for construction and operation of
10.3 the ballpark must include programs, including Youthbuild, to provide for participation by
10.4 small, local, women, and minority businesses, and the inclusion of women and people
10.5 of color in the workforces of contractors and ballpark operators. The construction of the
10.6 ballpark is a "project" as that term is defined in Minnesota Statutes 2004, section 177.42,
10.7 subdivision 2, and is subject to the prevailing wage law under Minnesota Statutes 2004,
10.8 sections 177.41 to 177.43.

10.9 Subd. 13. **Incidental powers.** In addition to the powers expressly granted in this
10.10 act, the authority has all powers necessary or incidental thereto.

10.11 Subd. 14. **Review of ballpark design.** The authority must review and approve the
10.12 ballpark implementation committee's recommendations as they relate to the design and
10.13 construction of the ballpark, after the recommendations are approved by the city council
10.14 as provided in section 10.

10.15 **Sec. 9. COUNTY ACTIVITIES; BONDS; TAXES.**

10.16 Subdivision 1. **Activities; contracts.** The county may authorize, by resolution, and
10.17 make one or more grants to the authority for ballpark development and construction,
10.18 public infrastructure, reserves for capital improvements, and other purposes related to the
10.19 ballpark on the terms and conditions agreed to by the county and the authority.

10.20 The amount that the county may grant or expend for ballpark costs shall not exceed
10.21 \$260,000,000. The amount of any grant for capital improvement reserves shall not exceed
10.22 \$1,000,000 annually, subject to annual increases according to an inflation index acceptable
10.23 to the county. The amount of grants or expenditures for land, site improvements, and
10.24 public infrastructure or other costs incidental and necessary to further the purposes of this
10.25 act shall not exceed \$90,000,000, except that the authority to spend money for land,
10.26 site improvements, and public infrastructure is limited to payment of amounts incurred
10.27 or for construction contracts entered into during the five-year period beginning on the
10.28 date of the issuance of the initial series of bonds under this act. Such agreements are
10.29 valid and enforceable notwithstanding that they involve payments in future years and
10.30 they do not constitute a debt of the county within the meaning of any constitutional or
10.31 statutory limitation or for which a referendum is required. The county may acquire by
10.32 purchase, eminent domain, or gift, land, air rights, and other property interests within
10.33 the development area for the ballpark site and public infrastructure and convey it to the
10.34 authority with or without consideration, prepare a site for development as a ballpark, and
10.35 acquire and construct any related public infrastructure. The purchase of property and

11.1 development of public infrastructure financed with revenues under this section is limited
11.2 to infrastructure within the development area or within 1,000 feet of the border of the
11.3 development area. The public infrastructure may include the construction and operation of
11.4 parking facilities within the development area notwithstanding any law imposing limits on
11.5 county parking facilities in the city of Minneapolis. The county may acquire and construct
11.6 property, facilities, and improvements within the stated geographical limits for the
11.7 purpose of drainage and environmental remediation for property within the development
11.8 area, walkways and a pedestrian bridge to link the ballpark to Third Avenue distributor
11.9 ramps, street and road improvements and access easements for the purpose of providing
11.10 access to the ballpark, streetscapes, connections to transit facilities and bicycle trails,
11.11 and any utility modifications which are incidental to any utility modifications within the
11.12 development area. To the extent property parcels or interests acquired are more extensive
11.13 than the public infrastructure requirements, the county may sell or otherwise dispose of
11.14 the excess. The proceeds from sales of excess property must be deposited in the debt
11.15 service reserve fund. The county may review and approve ballpark designs, plans, and
11.16 specifications to the extent provided in a grant agreement and in order to ensure that the
11.17 public purposes of the grant are carried out. The county board may delegate responsibility
11.18 for implementing the terms of an approved grant agreement to the county administrator
11.19 or other designated officers. Public infrastructure designs must optimize area transit
11.20 and bicycle opportunities, including connections to existing trails, as determined by the
11.21 county board. The county may enforce the provisions of any grant agreement by specific
11.22 performance. Except to require compliance with the conditions of the grant or as may
11.23 be mutually agreed to by the county and the authority, the county has no interest in or
11.24 claim to any assets or revenues of the authority. The county may initiate or continue an
11.25 environmental impact statement as the responsible governmental unit under Minnesota
11.26 Statutes, section 116D.04, pay for any costs in connection with the environmental impact
11.27 statement or reimburse others for such costs, and conduct other studies and tests necessary
11.28 to evaluate the suitability of the ballpark site. The county has all powers necessary or
11.29 convenient for those purposes and may enter into any contract for those purposes. The
11.30 county may make expenditures or grants for other costs incidental and necessary to further
11.31 the purposes of this act and may by agreement, reimburse in whole or in part, any entity
11.32 that has granted, loaned, or advanced funds to the county to further the purposes of this
11.33 act. The county shall reimburse a local governmental entity within its jurisdiction or make
11.34 a grant to such a governmental unit for site acquisition, preparation of the site for ballpark
11.35 development, and public infrastructure. Amounts expended by a local governmental unit
11.36 with the proceeds of a grant or under an agreement that provides for reimbursement by the

12.1 county shall not be deemed an expenditure or other use of local governmental resources
12.2 by the governmental unit within the meaning of any law or charter limitation. Exercise by
12.3 the county of its powers under this section shall not affect the amounts that the county is
12.4 otherwise eligible to spend, borrow, tax, or receive under any law.

12.5 It is the intent of the legislature that, except as expressly limited herein, the county
12.6 has the authority to acquire and develop a site for the ballpark, to enter into contracts with
12.7 the authority and other governmental or nongovernmental entities, to appropriate funds,
12.8 and to make employees, consultants, and other revenues available for those purposes.

12.9 Subd. 2. County revenue bonds. The county may, by resolution, authorize, sell,
12.10 and issue revenue bonds to provide funds to make a grant or grants to the authority and
12.11 to finance all or a portion of the costs of site acquisition, site improvements, and other
12.12 activities necessary to prepare a site for development of a ballpark, to construct, improve,
12.13 and maintain the ballpark and to establish and fund any capital improvement reserves, and
12.14 to acquire and construct any related parking facilities and other public infrastructure and
12.15 for other costs incidental and necessary to further the purposes of this act. The county
12.16 may also, by resolution, issue bonds to refund the bonds issued pursuant to this section.
12.17 The bonds must be limited obligations, payable solely from or secured by taxes levied
12.18 under subdivision 3, and any other revenues to become available under this act. The
12.19 bonds may be issued in one or more series and sold without an election. The bonds shall
12.20 be sold in the manner provided by Minnesota Statutes, section 475.60. The bonds shall
12.21 be secured, bear the interest rate or rates or a variable rate, have the rank or priority, be
12.22 executed in the manner, be payable in the manner, mature, and be subject to the defaults,
12.23 redemptions, repurchases, tender options, or other terms, as the county may determine.
12.24 The county may enter into and perform all contracts deemed necessary or desirable by
12.25 it to issue and secure the bonds, including an indenture of trust with a trustee within or
12.26 without the state. The debt represented by the bonds shall not be included in computing
12.27 any debt limitation applicable to the county. Subject to this subdivision, the bonds must be
12.28 issued and sold in the manner provided in Minnesota Statutes, chapter 475. The bonds
12.29 shall recite that they are issued under this act and the recital shall be conclusive as to the
12.30 validity of the bonds and the imposition and pledge of the taxes levied for their payment.
12.31 In anticipation of the issuance of the bonds authorized under this subdivision and the
12.32 collection of taxes levied under subdivision 3, the county may provide funds for the
12.33 purposes authorized by this act through temporary interfund loans from other available
12.34 funds of the county which shall be repaid with interest.

12.35 Subd. 3. Sales and use tax. (a) Notwithstanding Minnesota Statutes, section
12.36 477A.016, or other law, the governing body of the county may by ordinance, impose a

13.1 sales and use tax at the rate of 0.15 percent for the purposes listed in this section. The
13.2 provisions of Minnesota Statutes, section 297A.99, except for subdivisions 2 and 3, apply
13.3 to the imposition, administration, collection, and enforcement of this tax.

13.4 (b) The tax imposed under this section is not included in determining if the total tax
13.5 on lodging in the city of Minneapolis exceeds the maximum allowed tax under Laws 1986,
13.6 chapter 396, section 5, as amended by Laws 2001, First Special Session chapter 5, article
13.7 12, section 87, or in determining a tax that may be imposed under any other limitations.

13.8 Subd. 4. Uses of tax. (a) Revenues received from the tax imposed under subdivision
13.9 3 may be used:

13.10 (1) to pay costs of collection;

13.11 (2) to pay or reimburse or secure the payment of any principal of, premium, or
13.12 interest on bonds issued in accordance with this act;

13.13 (3) to pay costs and make expenditures and grants described in subdivision 1,
13.14 including financing costs related to them;

13.15 (4) to maintain reserves for the foregoing purposes deemed reasonable and
13.16 appropriate by the county; and

13.17 (5) to pay for operating costs of the ballpark authority other than the cost of
13.18 operating or maintaining the ballpark;

13.19 and for no other purpose.

13.20 (b) Revenues from the tax designated for use under paragraph (a), clause (5), must
13.21 be deposited in the operating fund of the ballpark authority.

13.22 (c) After completion of the ballpark and public infrastructure, the tax revenues not
13.23 required for current payments of the expenditures described in clauses (1) to (5) shall be
13.24 used to (i) redeem or defease the bonds and (ii) prepay or establish a fund for payment
13.25 of future obligations under grants or other commitments for future expenditures which
13.26 are permitted by subdivision 1. Upon the redemption or defeasance of the bonds and
13.27 the establishment of reserves adequate to meet such future obligations, the taxes shall
13.28 terminate and shall not be reimposed.

13.29 **Sec. 10. IMPLEMENTATION.**

13.30 Subdivision 1. Environmental review. The county shall be the responsible
13.31 governmental unit for any environmental impact statement for the ballpark and public
13.32 infrastructure prepared under Minnesota Statutes, section 116D.04. Notwithstanding
13.33 Minnesota Statutes, section 116D.04, subdivision 2b, and implementing rules:

13.34 (a) the environmental impact statement shall not be required to consider alternative
13.35 ballpark sites; and

14.1 (b) the environmental impact statement must be determined to be adequate before
14.2 commencing work on the foundation of the ballpark, but the ballpark and public
14.3 infrastructure may otherwise be started and all preliminary and final government decisions
14.4 and actions may be made and taken, including but not limited to acquiring land, obtaining
14.5 financing, imposing the tax under section 9, granting permits or other land use approvals,
14.6 entering into grant, lease, or use agreements, or preparing the site or related public
14.7 infrastructure prior to a determination of the adequacy of the environmental impact
14.8 statement.

14.9 **Subd. 2. Ballpark implementation committee.** A ballpark implementation
14.10 committee shall be established to advise the authority and the county and make
14.11 recommendations on the design and construction of the ballpark and the public
14.12 infrastructure, including street vacation, parking, roadways, walkways, skyways,
14.13 pedestrian bridges, bicycle paths, transit improvements to facilitate public street access
14.14 to the ballpark and integration into the transportation plan for downtown and the region,
14.15 lighting, landscaping, utilities, streets, drainage, and environmental remediation. The
14.16 ballpark implementation committee shall consist of an equal number of members
14.17 appointed by the county and by the city of Minneapolis, the precise number of members to
14.18 be mutually determined by the county and the city. The county board and the city council
14.19 of Minneapolis shall make their respective appointments to the ballpark implementation
14.20 committee within 30 days of enactment. Recommendations of the committee shall be
14.21 forwarded to the city of Minneapolis planning department for an advisory recommendation
14.22 and then to the city council for approval or disapproval.

14.23 **Subd. 3. Site approval; land use jurisdiction.** It is hereby found and declared that
14.24 the development area is the ballpark location and that construction of a ballpark within
14.25 the development area is a permitted use and is consistent with the comprehensive plan of
14.26 the city of Minneapolis and the adopted area plan. The legislature further declares that
14.27 the public purpose served by the ballpark and the speed required for construction of the
14.28 ballpark and public infrastructure does not allow for application of Minnesota Statutes,
14.29 sections 462.351 to 462.361. The exercise by the authority and the county of the powers
14.30 provided in this act shall not be subject to regulation by or the jurisdiction of the city
14.31 of Minneapolis and are not subject to Minnesota Statutes, sections 15.99, 462.351 to
14.32 462.361, Minneapolis City Charter, chapter 13, section 4, or municipal zoning ordinances,
14.33 except as specifically provided in this act.

14.34 **Subd. 4. Public hearing.** The authority and the county shall each hold a public
14.35 hearing on the preliminary design plans for the ballpark and public infrastructure. Such
14.36 hearings may be held separately or jointly by the authority and the county. At least ten

15.1 days' published notice of the hearing shall be given in the official newspaper of the
15.2 county and a newspaper of general circulation in the county. The authority or county,
as applicable, shall maintain a record of the hearing, including any written statements
15.4 submitted.

15.5 Subd. 5. City review. At least 20 days before the hearing, the applicable preliminary
15.6 design plans shall be submitted to the planning department of the city of Minneapolis
15.7 together with a statement generally describing any aspects of the plans which do not
15.8 conform to implementation committee recommendations which have been approved by
15.9 the city council. In addition to the preliminary design plans, there shall be submitted any
15.10 other information generally required by the city of Minneapolis on the standard land use
15.11 application worksheet and checklist. The city may hold a public hearing if it does so
15.12 within 30 days of the submission. Within 20 days after a hearing under subdivision 4, the
15.13 city shall review and approve or disapprove the preliminary design plans on which the
15.14 hearing was held. If the city disapproves the plans, it shall describe specific amendments
15.15 or conditions to the plans that, if adopted, would cause the city to withdraw its disapproval.
15.16 Failure to approve or disapprove the plans in writing within 30 days after the hearing in
15.17 subdivision 4 is deemed to be approval, unless an extension of time is agreed to by the
15.18 city, county, and the authority. If the city disapproves of the plans, the authority and the
15.19 county shall conduct such further reviews as each deem necessary in its sole discretion
15.20 prior to continuing the planning and design process.

15.21 Subd. 6. Amendments; final design. The authority must approve final design
15.22 plans for the ballpark or adopt amendments or conditions to the design plans at its sole
15.23 discretion. The county must approve final design plans for the public infrastructure or
24 adopt amendments or conditions to the design plans at its sole discretion.

15.25 Subd. 7. Subdivision requirements. Any subdivision required in the development
15.26 area shall be subject to the jurisdiction and review procedures of the city of Minneapolis
15.27 established pursuant to Minnesota Statutes, section 462.358, except that the city shall not
15.28 deny or withhold excavation or building permits for the ballpark on the grounds that
15.29 subdivision review and approval has not occurred within the project construction timetable.

15.30 **Sec. 11. CRITERIA AND CONDITIONS.**

15.31 Subdivision 1. Binding and enforceable. In developing the ballpark and entering
15.32 into related contracts, the authority must follow and enforce the criteria and conditions in
15.33 subdivisions 2 to 15, provided that a determination by the authority that those criteria or
15.34 conditions have been met under any agreement or otherwise shall be conclusive.

16.1 Subd. 2. Team contributions. The team must agree to contribute \$130,000,000
16.2 toward ballpark costs, less a proportionate share of any amount by which actual ballpark
16.3 costs may be less than a budgeted amount of \$390,000,000. The team contributions must
16.4 be funded in cash during the construction period. The team shall deposit \$45,000,000
16.5 to the construction fund to pay for the first ballpark costs. The balance of the team's
16.6 contribution must be used to pay the last costs of the ballpark construction. In addition to
16.7 any other team contribution, the team must agree to assume and pay when due all cost
16.8 overruns for the ballpark costs that exceed the budget.

16.9 Subd. 3. Reserve for capital improvements. The authority shall require that
16.10 a reserve fund for capital improvements to the ballpark be established and funded
16.11 with annual payments of \$2,000,000, with the team's share of those payments to be
16.12 approximately \$1,000,000, as determined by agreement of the team and county. The
16.13 annual payments shall increase according to an inflation index determined by the authority,
16.14 provided that any portion of the team's contribution that has already been reduced to
16.15 present value shall not increase according to an inflation index. The authority may accept
16.16 contributions from the county or other source for the portion of the funding not required to
16.17 be provided by the team.

16.18 Subd. 4. Lease or use agreements. The authority must agree to a long-term lease
16.19 or use agreement with the team for its use of the ballpark. The team must agree to play
16.20 all regularly scheduled and postseason home games at the ballpark. Preseason games
16.21 may also be scheduled and played at the ballpark. The lease or use agreement must be
16.22 for a term of at least 30 years from the date of ballpark completion. The lease or use
16.23 agreement must include terms for default, termination, and breach of the agreement.
16.24 Recognizing that the presence of major league baseball provides to Hennepin County, the
16.25 state of Minnesota, and its citizens highly valued, intangible benefits that are virtually
16.26 impossible to quantify and, therefore, not recoverable in the event of a team owner's
16.27 breach of contract, the lease and use agreements must provide for specific performance
16.28 and injunctive relief to enforce provisions relating to use of the ballpark for major league
16.29 baseball and must not include escape clauses or buyout provisions. The team must not
16.30 enter into or accept any agreement or requirement with or from Major League Baseball or
16.31 any other entity that is inconsistent with the team's binding commitment to the 30-year
16.32 term of the lease or use agreement or that would in any manner dilute, interfere with, or
16.33 negate the provisions of the lease or use agreement, or of any grant agreement under
16.34 section 9 that includes a specific performance clause, providing for specific performance
16.35 or injunctive relief. The legislature conclusively determines, as a matter of public policy,
16.36 that the lease or use agreement, and any grant agreement under section 9 that includes a

17.1 specific performance clause: (a) explicitly authorize specific performance as a remedy
17.2 for breach; (b) are made for adequate consideration and upon terms which are otherwise
17.3 fair and reasonable; (c) have not been included through sharp practice, misrepresentation,
17.4 or mistake; (d) if specifically enforced, do not cause unreasonable or disproportionate
17.5 hardship or loss to the team or to third parties; and (e) involve performance in such a
17.6 manner and the rendering of services of such a nature and under such circumstances that
17.7 the beneficiary cannot be adequately compensated in damages.

17.8 Subd. 5. **Notice requirement for certain events.** Until 30 years from the date
17.9 of ballpark completion, the team must provide written notice to the authority not less
17.10 than 90 days prior to any action, including any action imposed upon the team by Major
17.11 League Baseball, which would result in a breach or default of provisions of the lease
17.12 or use agreements required to be included under subdivision 4. If this notice provision
17.13 is violated and the team has already breached or been in default under the required
17.14 provisions, the authority, the county, or the state of Minnesota is authorized to specifically
17.15 enforce the lease or use agreement, and Minnesota courts are authorized and directed to
17.16 fashion equitable remedies so that the team may fulfill the conditions of the lease and use
17.17 agreements, including, but not limited to, remedies against major league baseball.

17.18 Subd. 6. **Enforceable financial commitments.** The authority must determine
17.19 before ballpark construction begins that all public and private funding sources for
17.20 construction of the ballpark are included in written agreements. The committed funds
17.21 must be adequate to design, construct, furnish, and equip the ballpark.

17.22 Subd. 7. **Environmental requirements.** The authority must comply with all
17.23 environmental requirements imposed by regulatory agencies for the ballpark, site, and
17.24 structure, except as provided by section 10, subdivision 1.

17.25 Subd. 8. **Right of first refusal.** The lease or use agreement must provide that, prior
17.26 to any planned sale of the team, the team must offer a corporation formed under section
17.27 15 a right of first refusal to purchase the team at the same price and upon the same terms
17.28 and conditions as are contemplated in the intended sale.

17.29 Subd. 9. **Public share upon sale of team.** The lease or use agreement must provide
17.30 that, if the team is sold other than to the county under subdivision 8, after the effective
17.31 date of this act, a portion of the sale price must be paid to the county and used to defease
17.32 the bonds issued under section 9, subdivision 2. The portion required to be so paid to the
17.33 county is 18 percent of the gross sale price. Any portion remaining after the defease of the
17.34 bonds must be paid to the authority and deposited in a reserve fund for improvements to
17.35 the ballpark or expended as otherwise directed by the authority.

18.1 Subd. 10. Access to books and records. The lease or use agreement must provide
18.2 the authority access to annual audited financial statements of the team and other financial
18.3 books and records that the authority deems necessary to determine compliance by the
18.4 team with this act and to enforce the terms of any lease or use agreements entered into
18.5 under this act. Any financial information obtained by the authority under this subdivision
18.6 is nonpublic data under Minnesota Statutes, section 13.02, subdivision 9.

18.7 Subd. 11. Affordable access. To the extent determined by the authority or required
18.8 by a grant agreement, any lease or use agreement must provide for affordable access to the
18.9 professional sporting events held in the ballpark.

18.10 Subd. 12. No strikes; lockouts. The authority must negotiate a public sector project
18.11 labor agreement or other agreement to prevent strikes and lockouts that would halt, delay,
18.12 or impede construction of the ballpark and related facilities.

18.13 Subd. 13. Youth and amateur sports. The lease or use agreement must require that
18.14 the team provide or cause to be provided \$250,000 annually for the term of the agreement
18.15 for youth activities and amateur sports without reducing the amounts otherwise normally
18.16 provided for and on behalf of the team for those purposes. The amounts shall increase
18.17 according to an inflation factor not to exceed 2.5 percent annually and may be subject to a
18.18 condition that the county fund grants for similar purposes.

18.19 Subd. 14. Name retention. The lease or use agreement must provide that the
18.20 team and league will transfer to the state of Minnesota the Minnesota Twins' heritage
18.21 and records, including the name, logo, colors, history, playing records, trophies, and
18.22 memorabilia in the event of any dissolution or relocation of the Twins franchise.

18.23 Subd. 15. Agreement with major league baseball. The authority shall enter into
18.24 an agreement with major league baseball guaranteeing the continuance of the Minnesota
18.25 Twins in the area for the period of the agreements referred to in subdivision 4.

18.26 **Sec. 12. METROPOLITAN SPORTS FACILITIES COMMISSION.**

18.27 The Metropolitan Sports Facilities Commission may authorize, by resolution,
18.28 technical, professional, or financial assistance to the county and authority for the
18.29 development and operation of the ballpark upon such terms and conditions as the county
18.30 or authority and the Metropolitan Sports Facilities Commission may agree, including
18.31 reimbursement of financial assistance from the proceeds of the bonds authorized in this
18.32 chapter. Without limiting the foregoing permissive powers, the Metropolitan Sports
18.33 Facilities Commission shall transfer \$300,000 from its cash reserves to the county on
18.34 or prior to January 1, 2007, for use in connection with preliminary ballpark and public

19.1 infrastructure costs, which amount shall be repaid by the county from collections of the
 19.2 tax authorized by section 9, if any.

19.3 **Sec. 13. CITY REQUIREMENTS.**

19.4 Subdivision 1. Land conveyance. At the request of the authority or county, the city
 19.5 of Minneapolis shall convey to the authority or county, as applicable, at fair market value
 19.6 all real property it owns that is located in the development area and is not currently used
 19.7 for road, sidewalk, or utility purposes and that the authority or county determines to be
 19.8 necessary for ballpark or public infrastructure purposes.

19.9 Subd. 2. Liquor licenses. At the request of the authority, the city of Minneapolis
 19.10 shall issue intoxicating liquor licenses that are reasonably requested for the premises of the
 19.11 ballpark. These licenses are in addition to the number authorized by law. All provisions of
 19.12 Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the licenses
 19.13 authorized under this subdivision.

19.14 Subd. 3. Charter limitations. Actions taken by the city of Minneapolis under this
 19.15 act in a planning or regulatory capacity, actions for which fair market value reimbursement
 19.16 is provided or for which standard fees are collected, and any tax exemptions established
 19.17 under this act shall not be deemed to be an expenditure or other use of city resources
 19.18 within the meaning of any charter limitation.

19.19 **Sec. 14. LOCAL TAXES.**

19.20 No new or additional local sales or use tax shall be imposed on sales at the ballpark
 19.21 site unless the tax is applicable throughout the taxing jurisdiction. No new or additional
 19.22 local tax shall be imposed on sales of tickets and admissions to baseball events at the
 19.23 ballpark, notwithstanding any law or ordinance, unless the tax is applicable throughout
 19.24 the taxing jurisdiction. The admissions and amusements tax currently imposed by the
 19.25 city of Minneapolis pursuant to Laws 1969, chapter 1092, may apply to admissions for
 19.26 baseball events at the ballpark.

19.27 **Sec. 15. COMMUNITY OWNERSHIP.**

19.28 Subdivision 1. Purpose. The legislature determines that:

19.29 (1) a professional baseball franchise is an important asset to the state of Minnesota
 19.30 and ensuring that a franchise remains in Minnesota is an important public purpose;

19.31 (2) providing broad-based local ownership of a major league baseball franchise
 19.32 develops trust among fans, taxpayers, and the team, and helps ensure this important asset
 19.33 will remain in the state;

20.1 (3) providing community ownership of a professional baseball franchise ensures that
20.2 the financial benefits of any increased value of the franchise will accrue to those members
20.3 of the community who own the franchise; and

20.4 (4) enacting legislation providing for community ownership indicates to major
20.5 league baseball continuing support for professional baseball in Minnesota.

20.6 Subd. 2. Acquisition. Subject to the rules of major league baseball, the governor
20.7 and the Metropolitan Sports Facilities Commission must attempt to facilitate the formation
20.8 of a corporation to acquire the baseball franchise and to identify an individual private
20.9 managing owner of the corporation. The corporation formed to acquire the franchise shall
20.10 have a capital structure in compliance with all of the following provisions:

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

20.14 (2) the private managing owner must own no less than 25 percent and no more than
20.15 35 percent of the common stock. For purposes of this restriction, shares of common stock
20.16 owned by the private managing owner include shares of common stock owned by any
20.17 related taxpayer as defined in section 1313(c) of the Internal Revenue Code of 1986, as
20.18 amended. Other than the rights of all other holders of common stock and preferred stock
20.19 with respect to relocation or voluntary contraction of the franchise, the private managing
20.20 owner must control all aspects of the operation of the corporation;

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

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

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

20.32 Except as specifically provided by this act, no state agency may spend money from
20.33 any state fund for the purpose of generating revenue under this subdivision or for the
20.34 purpose of providing operating support or defraying operating losses of a professional
20.35 baseball franchise.

21.1 Sec. 16. **REVISOR'S INSTRUCTION.**

21.2 The revisor of statutes shall codify the provisions of this act in the next edition of
21.3 Minnesota Statutes.

21.4 Sec. 17. **REPEALER.**

21.5 Minnesota Statutes 2004, sections 473I.01; 473I.02; 473I.03; 473I.04; 473I.05;
21.6 473I.06; 473I.07; 473I.08; 473I.09; 473I.10; 473I.11; 473I.12; and 473I.13, are repealed.

21.7 Sec. 18. **EFFECTIVE DATE.**

21.8 Sections 1, 3, and 6 to 17 are effective the day following final enactment.

473I.01 DEFINITIONS.

Subdivision 1. **Application.** The definitions in this section apply to sections 473I.01 to 473I.13.

Subd. 2. **Municipality.** "Municipality" means a statutory or home rule charter city in the metropolitan area, as defined in section 473.121, subdivision 2.

Subd. 3. **Commission.** "Commission" means the Metropolitan Sports Facilities Commission as defined in section 473.551.

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of finance.

473I.02 SITE SELECTION FOR BASEBALL PARK.

In selecting a site to be proposed to the team for the new baseball park, the municipality shall consider at least the following:

- (1) the adequacy of the size of the site relative to the preferred design for the baseball park;
- (2) the adequacy of existing public infrastructure serving the site, including parking and highway, road, and transit access, to meet the demands created by events at the baseball park in combination with other uses or events in the area that create traffic, transit, or parking demands;
- (3) the costs of any likely infrastructure improvements for the facility;
- (4) potential development advantages, including development of compatible mixed use, commercial, and housing developments, in the area surrounding the baseball park;
- (5) compatibility of surrounding uses with the baseball park; and
- (6) appropriate aesthetic considerations.

473I.03 PRECONDITIONS TO ISSUING BONDS.

Subdivision 1. **Money available.** Before issuing bonds under section 473I.06, the commissioner must determine that:

- (1) \$120,000,000 in cash from the team or other private sources has been paid to the commissioner for deposit in a construction account for leasehold improvement of the baseball park;
- (2) the municipality and the team have agreed to make payments on the ballpark loan, to be credited to the baseball park debt service account under section 473I.04, at the times and in the amounts provided in the loan agreement, but not less than \$12,000,000 per year unless the commissioner of finance determines otherwise;
- (3) the revenues pledged to pay principal and interest on the bonds will be sufficient to make all debt service payments as they come due and make the bonds marketable;
- (4) the bid demonstrates the financial capacity of the municipality to make the annual payments under and satisfy any other conditions of the loan under section 473I.05; and
- (5) the other conditions required in this section have been met.

Subd. 2. **Major league baseball guaranty.** The commissioner of finance determines that the major league of which the baseball team is a member and major league baseball have both executed an agreement with the city that guarantees the continuance of a major league franchise in the metropolitan area for the greater of (1) 30 years from the date of the agreement or (2) the term of the bonds under sections 473I.06 and 473I.11.

Subd. 3. **Baseball economic reform.** (a) The executive council shall review information from major league baseball and assess:

(1) whether major league baseball and the major league baseball players' association are making a good faith effort to agree upon a new economic system for major league baseball to enhance the competitiveness of small market teams; and

(2) the prospects for adoption of changes to major league baseball providing increased revenues for small market teams and enhancing the viability of a new baseball park.

(b) The executive council shall assess whether, in its opinion, there is reasonable basis for concluding that major league baseball and the major league baseball players' association will agree to a system in the foreseeable future, which, after full implementation and considering all of its elements, will reduce the disparity in team revenues.

(c) The commissioner may issue bonds under section 473I.06 only after the executive council determines that there are reasonable prospects for changes in the revenue sharing structure of major league baseball that will provide sufficient revenues for the major league baseball team to make the proposed baseball park a financially viable facility for the term of the bonds to be issued under sections 473I.06 and 473I.11. The executive council must make the determination

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within 30 days after a referendum conducted under section 473I.07, subdivision 2, has passed, but no later than September 30, 2002. The determination of the executive council under this paragraph is conclusive and is not subject to judicial review.

Subd. 4. **Construction of baseball park; maximum price.** The municipality must have executed agreements that provide for the construction of a roof-ready baseball park to be owned by the municipality for a guaranteed maximum price not to exceed \$330,000,000, and that require performance bonds in an amount at least equal to 100 percent of the guaranteed maximum price to cover any costs incurred over and above the guaranteed maximum price, including, but not limited to, costs incurred by the municipality and loss of revenues resulting from incomplete construction on the substantial completion date. The major league baseball team is responsible for and must pay all cost overruns.

Subd. 5. **Construction of baseball park; labor and materials.** The municipality must have entered into an agreement with the major league baseball team that the major league baseball team has the following obligations during the period of construction of the baseball park:

(1) the payment of the prevailing wage rate as defined in section 177.42 to all construction workers;

(2) the provision to the municipality of a signed agreement between the major league baseball team and the construction unions that will work on the baseball park that mandates a no-strike and no-lockout period during construction of the baseball park; and

(3) all construction materials for the baseball park produced from or containing steel, so far as practicable, must use steel produced in the United States from taconite produced in Minnesota.

Subd. 6. **Socially disadvantaged persons.** The major league baseball team must have entered into an agreement with the municipality to make all reasonable efforts to ensure that businesses owned by socially disadvantaged persons are awarded contracts for construction and operation of the baseball park in proportion to the number of qualified businesses owned by socially disadvantaged persons in the metropolitan area. The agreement must provide that the team will make all reasonable efforts to ensure that employment of socially disadvantaged persons for the construction or operation of the baseball park will be proportionate to the number of qualified workers who are socially disadvantaged persons in the metropolitan area. For the purposes of this subdivision, "socially disadvantaged persons" is as defined in Minnesota Rules, part 1230.0150, subpart 24. The municipality must report to the legislature annually on the implementation of this subdivision.

Subd. 7. **Use agreement; team.** The municipality must have entered into a use agreement with the major league baseball team that provides:

(1) the major league baseball team will use the baseball park for all scheduled home preseason, regular season, and postseason games that the major league baseball team is entitled to play at home for not less than 30 years without an escape clause for the major league baseball team;

(2) the baseball park will be available on nongame days for potential use by the University of Minnesota, Minnesota State Colleges and Universities, private colleges and universities, the State High School League, the municipality for community events, and the Minnesota Amateur Sports Commission;

(3) the major league baseball team will ensure that a portion of the tickets for its games are accessible and affordable;

(4) the major league baseball team and the municipality will cooperate in maintaining the facility as a smoke-free facility;

(5) an American flag manufactured in the United States will be publicly displayed at all baseball games and other events conducted at the baseball park;

(6) the major league baseball team will receive all revenue generated at the stadium, except as otherwise specifically provided in this section;

(7) a listing of all revenue streams generated from use of the baseball park with a specification of what revenues are available to cover the major league baseball team operations, what revenues accrue to the municipality, and what revenues are available to repay the bonds;

(8) the major league baseball team is responsible for repair, maintenance, and replacement of equipment or property in the baseball park, including inspections by the municipality and a representative of the state, as rent;

(9) the agreement must afford to the municipality the rights and remedies at law and equity that are deemed necessary and appropriate to provide reasonable assurance that the baseball team and the owner will comply with the agreements through the 30-year term. The remedies must include specific performance and injunctive relief and may include any other equitable remedies, and any additional remedies or ownership, voting, or other security arrangements the municipality reasonably determines to be effective in ensuring the baseball team will play the required games in the baseball park throughout the 30-year term. The legislature finds that a material breach of an

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agreement between a municipality and a professional athletic team that commits to the long-term playing of major league games at public facilities causes irreparable harm for which no adequate remedy at law is available and that the grant of equitable relief to remedy the breach is in the public interest and shall be liberally so construed;

(10) that transfer of any portion of ownership or equity in the major league baseball team does not change any obligations, responsibilities, or privileges under the agreement, this section, or section 473I.07; and

(11) if there is a sale or transfer of ownership of the major league baseball team, the owner of the team will pay to the state an amount equal to the state's share of the appreciated value of the team. The state's share must be based on the value of the state investment in the baseball park and must be determined according to a formula included in the use agreement.

Subd. 8. Community ownership of team. The owner of the team must attempt to reach an agreement on the sale of a majority interest in the team to one or more buyers who will keep the team in this state before attempting to sell the majority interest to others.

Subd. 9. Use of team name and logo. The major league baseball team must have entered into an agreement with the municipality under which the municipality will obtain from the team the rights to the control and use of the team name and logo if the team relocates to another state. Under the agreement, the team must notify the municipality within 24 hours of signing an agreement to relocate, and at midnight immediately following notification, all income from existing contracts for the use of the team name and logo and all team property with the team name and logo, other than personal property of team members and principals, will become the property of the municipality. This agreement and the requirement that it be entered into may not be construed as authorizing or permitting the team to relocate before the end of the lease and use agreements with the municipality.

Subd. 10. Compliance with discovery orders. The commissioner of finance determines with regard to a case in Hennepin County District Court, entitled Metropolitan Sports Facilities Commission v. Minnesota Twins Partnership and Major League Baseball, No. 0116998 (Hennepin County District Court), that one of the following has occurred:

(1) disclosure to the Metropolitan Sports Facilities Commission by the Minnesota Twins and the office of the commissioner of major league baseball of all documents relating to the Twins' finances, including tax records of the team and its owners, deals between the commissioner and the Twins' owner, contraction plans developed by team owners, and all other documents covered by all applicable discovery orders issued by the Hennepin County District Court;

(2) the Hennepin County District Court approves a settlement agreement signed by the metropolitan sports facilities commission and the Minnesota Twins; or

(3) the court has dismissed the case.

473I.04 SPORTS FACILITIES FUND.

Subdivision 1. Creation. The sports facilities fund is established as a special account in the state treasury.

Subd. 2. Baseball park revenue bond proceeds account. A baseball park revenue bond proceeds account is established in the sports facilities fund. The proceeds of any bonds issued under section 473I.06 must be credited to the account. The amount necessary to make the loan under section 473I.05 is appropriated from the account to the commissioner.

Subd. 3. Baseball park debt service account. (a) A baseball park debt service account is established in the sports facilities fund. The assets of the account and its investment earnings are pledged to and may only be used to pay principal and interest on bonds issued under section 473I.06.

(b) The State Board of Investment shall contract with the investment advisors specified by the team to invest money in the endowment account. The account must be invested in authorized investments under section 11A.24, except (1) corporate obligations described in section 11A.24, subdivision 3, paragraph (b), and (2) investments described in section 11A.24, subdivision 6, paragraph (a), clauses (1) to (4).

(c) The commissioner shall review the investment performance of the account at the end of the second year after the baseball park begins operations and every four years thereafter. The commissioner shall require the owner of the baseball park to impose a surcharge on admissions to events at the baseball park, in one-half of one percent increments, not to exceed five percent, in an amount sufficient to equal the money that would be in the fund, if an 8.5 percent annual rate of return had been earned. Notwithstanding the preceding sentence, the commissioner shall set the required rate of return for the first four years after the account is established. If the rate of return on the fund during the period exceeded 8.5 percent, the commissioner may use the excess to retire

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or defease the bonds. In making the determination under this paragraph, the commissioner must assume that the municipality has timely made all payments required under the loan agreement, regardless of whether the payments were made.

(d) In addition, the commissioner may require, as part of the loan agreement, that the municipality exercise its authority under section 473I.07 to provide money to the commissioner to make up any deficiency that is not eliminated under paragraph (c). The municipality may recover from the team any payments made under this paragraph.

(e) Money in the debt service account is appropriated to the commissioner to pay principal and interest on bonds issued under section 473I.06.

473I.05 LOAN AGREEMENT.

After making the determinations required by section 473I.03, the commissioner shall provide a loan to the municipality from money in the baseball park bond proceeds account, in an amount up to \$330,000,000. The proceeds of the loan must be used by the municipality to acquire and prepare a site for and to design, construct, furnish, and equip the baseball park. The commissioner shall specify the terms of the loan agreement.

473I.06 BASEBALL PARK REVENUE BONDS.

Subdivision 1. **Purposes.** After making the determinations required by section 473I.03, the commissioner may sell and issue revenue bonds to make the loan to the municipality, to establish a reserve fund or funds, and to pay the cost of issuance of the bonds.

Subd. 2. **Amount.** The principal amount of the bonds issued for the purposes specified in subdivision 1 must not exceed \$330,000,000. The commissioner shall deposit an amount of the proceeds equal to the contributions under section 473I.03, subdivision 1, clause (1), from the team and other private sources, in the baseball debt service account.

Subd. 3. **Procedure.** The commissioner may sell and issue the bonds on the terms and conditions the commissioner determines to be in the best interests of the state. The bonds may be sold at public or private sale. The commissioner may enter any agreements or pledges the commissioner determines necessary or useful to sell the bonds that are not inconsistent with sections 473I.01 to 473I.07. Sections 16A.672 to 16A.675 apply to the bonds. The metropolitan sports facilities commission shall transfer an amount, not to exceed one percent of the principal amount of the bonds, from its accumulated reserves to the commissioner to pay for the cost of issuance of the bonds.

Subd. 4. **Revenue sources.** The bonds are payable only from the following sources:

- (1) the principal and any investment earnings on the assets of the debt service account;
- (2) payments of the municipality and team under the loan made by the commissioner; and
- (3) other revenues pledged to the payment of the bonds.

Subd. 5. **Refunding bonds.** The commissioner may issue bonds to refund outstanding bonds issued under subdivision 1, including the payment of any redemption premiums on the bonds and any interest accrued or to accrue to the first redemption date after delivery of the refunding bonds. The proceeds of the refunding bonds may, in the discretion of the commissioner, be applied to the purchases or payment at maturity of the bonds to be refunded, or the redemption of the outstanding bonds on the first redemption date after delivery of the refunding bonds and may, until so used, be placed in escrow to be applied to the purchase, retirement, or redemption. Refunding bonds issued under this subdivision must be issued and secured in the manner provided by the commissioner.

Subd. 6. **Not a general or moral obligation.** Bonds issued under this section are not public debt, and the full faith, credit, and taxing powers of the state are not pledged for their payment. The bonds may not be paid, directly in whole or part from a tax of statewide application on any class of property, income, transaction, or privilege. Payment of the bonds is limited to the revenues explicitly authorized to be pledged under this section and section 473I.07 and the legislature intends that no state money will be used to pay the bonds. The state neither makes nor has a moral obligation to pay the bonds, if the pledged revenues and other legal security for them is insufficient.

Subd. 7. **Trustee.** The commissioner may contract with and appoint a trustee for bond holders. The trustee has the powers and authority vested in it by the commissioner under the bond and trust indentures.

Subd. 8. **Pledges.** Any pledge made by the commissioner is valid and binding from the time the pledge is made. The money or property pledged and later received by the commissioner is immediately subject to the lien of the pledge without any physical delivery of the property or

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money or further act, and the lien of any pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the commissioner, whether or not those parties have notice of the lien or pledge. Neither the order nor any other instrument by which a pledge is created need be recorded.

Subd. 9. Bonds; purchase and cancellation. The commissioner, subject to agreements with bondholders that may then exist, may, out of any money available for the purpose, purchase bonds of the commissioner at a price not exceeding (1) if the bonds are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date thereon, or (2) if the bonds are not redeemable, the redemption price applicable on the first date after the purchase upon which the bonds become subject to redemption plus accrued interest to that date.

Subd. 10. State pledge against impairment of contracts. The state pledges and agrees with the holders of any bonds that the state will not limit or alter the rights vested in the commissioner to fulfill the terms of any agreements made with the bondholders, or in any way impair the rights and remedies of the holders until the bonds, together with interest on them, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders, are fully met and discharged. The commissioner may include this pledge and agreement of the state in any agreement with the holders of bonds issued under this section.

473I.07 LOCAL TAXING AUTHORITY.

Subdivision 1. Use of proceeds. (a) Subject to the restrictions in this section, the municipality may impose one or more of the taxes under this section to make the payments or meet other obligations under the loan agreement under section 473I.05. The taxes authorized in this section are in addition to taxes authorized under other law. The municipality may repay the state ballpark loan using only revenues from the ballpark and the taxes imposed under this section.

(b) The municipality may not use property taxes or other money, other than ballpark revenues and taxes imposed under this section, to pay for the cost of acquiring, improving, or operating the ballpark. The municipality may not expend more than \$50,000,000 for the cost of public infrastructure related to the ballpark. Public infrastructure related to the ballpark means parking, street improvements, interstate highway connections, sewer, water, and other utilities that are required under an agreement with the major league baseball team or as condition for financing of the baseball park.

(c) If the commissioner determines the money in the debt service accounts is sufficient to pay the bonds in full, the commissioner shall order a temporary or permanent reduction in the taxes imposed under subdivisions 5, 6, and 7 in the order of priority and as the commissioner determines appropriate.

Subd. 2. Referendum. (a) Before the municipality imposes a tax under subdivision 5 or 6, the imposition of the tax must be approved by the voters of the municipality at an election held on a Tuesday before September 30, 2002.

(b) Notwithstanding any statute, charter provision, or other law to the contrary, if the tax is approved in a referendum under this subdivision, an ordinance enacting the tax or authorizing expenditures of the proceeds of the tax is not subject to another vote of the electorate by referendum, initiative, charter amendment, or in any other manner.

Subd. 3. Expiration; local option taxes. When the bonds issued under section 473I.06 have been defeased or retired, subdivisions 4 to 7 and the taxes authorized by them expire.

Subd. 4. Baseball park admission tax. Notwithstanding any other law and only upon the request of the commissioner under section 473I.04, subdivision 3, paragraph (c), the city shall impose an admission tax of up to five percent of the sale price upon the granting, issuance, sale, or distribution, by any private or public person, association, or corporation, of the privilege of admission to activities at the baseball park. No other tax, surcharge, or governmental imposition, except the taxes collected under chapter 297A, may be levied by any other unit of government upon the sale or distribution.

The admission tax must be stated and charged separately from the sales price so far as practicable and must be collected by the grantor, seller, or distributor from the person admitted. The admission tax collected must be used for repayment of the bonds issued under section 473I.06 or to pay for improvements to the baseball park. The tax is a debt from that person to the grantor, issuer, seller, or distributor, and the tax required to be collected is a debt owed by the grantor, issuer, seller, or distributor to the municipality, recoverable at law in the same manner as other debts. Every person granting, issuing, selling, or distributing tickets for admissions to the ballpark may be required to secure a permit, to file returns, to deposit security for the payment of the tax,

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and to pay the penalties for nonpayment and interest on late payments, as deemed necessary or expedient to ensure the prompt and uniform collection of the tax.

Subd. 5. **Food and beverage taxes.** Notwithstanding section 477A.016, or any other limitation of law or charter, the municipality may by ordinance impose taxes on sales of food, as defined in section 297A.61, subdivision 31, and alcoholic beverages, as defined in section 297G.01, not to exceed five percent at a retail level on any business within the municipality. The municipality may impose this tax on all or part of the municipality, as provided in the ordinance. The ordinance must provide for dedication of the taxes or fees, after payment of collection and administrative expenses and refunds, to payment of principal and interest on bonds issued for the baseball park.

Subd. 6. **Lodging tax.** Notwithstanding section 477A.016, or any other limitation of law or charter to the contrary, the municipality may impose, by ordinance, a lodging tax at a rate of no more than five percent on the gross receipts from the furnishing for consideration of lodging as described in section 469.190, subdivision 1. The municipality may impose this tax on all or part of the municipality, as provided in the ordinance and may provide for exempting hotels or motels based on the number of rooms they have available. The ordinance must provide for dedication of the taxes and other income from the tax, after payment of collection and administrative expenses and refunds, to payment of the principal and interest on bonds issued for the baseball park.

Subd. 7. **Parking tax, surcharge, or both.** The municipality may, by ordinance, impose a parking tax or surcharge or both of not less than \$2 per vehicle per event at the baseball park. The parking tax and surcharge apply to public and privately owned parking facilities in the area that the municipality determines in its ordinance provide event parking for the baseball park. The ordinance must provide for dedication of the taxes and other income from the tax, after payment of collection and administrative expenses and refunds, to payment of the principal and interest on bonds issued for the baseball park.

473I.08 DESIGN AND CONSTRUCTION.

The major league professional baseball team shall design and construct the baseball park. Before the design process is complete and construction begins, the municipality and the team must hold at least one public hearing on the proposed design. All money paid to the municipality under section 473I.05 must be managed by the municipality and made available to the team as the team deems necessary for construction purposes.

473I.09 BASEBALL PARK; LIQUOR LICENSE.

The city in which the baseball park is located may issue an intoxicating liquor license for the premises of the baseball park. This license is in addition to the number authorized by law. All provisions of chapter 340A not inconsistent with this section apply to the license authorized under this section.

473I.10 CONDOMINIUM.

The municipality selected to be the location of the baseball park may, by itself or together with another owner, and any other public or private person or entity, as to real or personal property comprising or appurtenant or ancillary to the baseball park, act as a declarant and establish a condominium or leasehold condominium under chapter 515A or as a common interest community or leasehold common interest community under chapter 515B, and may grant, establish, create, or join in other or related easements, agreements, and similar benefits and burdens that the municipality may deem necessary or appropriate, and may exercise any and all rights and privileges, and assume obligations under them as a declarant, unit owner, or otherwise, insofar as practical and consistent with this section. The municipality may be a member of an association and the chair, any members of its governing body, and any officers and employees of the municipality may serve on the board of an association under chapter 515A or 515B.

473I.11 ALTERNATIVE BONDING AUTHORITY.

Subdivision 1. **Commissioner determination.** If the commissioner determines that all or a portion of the bonds could be issued by the municipality at a lower rate of interest than the bonds under section 473I.06, the municipality that is the site for the baseball park may issue a portion of the bonds under this section and chapter 475. The commissioner shall file the determination, in writing, with the secretary of state and the provisions of section 473.553, subdivision 14, take effect.

APPENDIX

Repealed Minnesota Statutes: H2480-5

Subd. 2. **Alternative ownership of ballpark.** (a) If the commissioner determines to authorize the municipality to issue bonds under this section:

- (1) the ownership of the baseball park must be in the commission; and
- (2) the commission has all of the powers and responsibilities of the municipality under the provisions of sections 473I.03; 473I.04; 473I.05; 473I.06; 473I.07, subdivision 4; 473I.08; and 473I.10.

(b) The commission shall segregate and maintain separate accounts and records of the revenue and expenditures for the baseball park and may not use baseball park money for its operations and costs related to other sports facilities.

Subd. 3. **Authorization reduction.** The principal amount of any bonds issued under this section must be deducted from the principal amount of the bonds authorized under section 473I.06.

Subd. 4. **Taxability.** The bonds must be issued as tax-exempt revenue bonds.

Subd. 5. **Procedure.** If the municipality issues bonds under this section, the bonds must be sold, issued, and secured in the manner provided in chapter 475 for bonds payable solely from revenues and the municipality has the same powers and duties as a municipality and its governing body in issuing bonds under that chapter. The bonds may be sold at any price and at public or private sale as determined by the municipality. The bonds may be sold in one or more series. Different series may be backed by different revenue sources. An election is not required. The municipality may enter any agreements or arrangements it deems necessary or useful to issue the bonds. The municipality must give the proceeds of the bonds, less the cost of issuance, to the commission to be used for the purposes of acquiring and constructing the ballpark.

Subd. 6. **Security.** The municipality may pledge to the payment of and the bonds are payable from the taxes imposed by the municipality under section 473I.07, except subdivision 4.

473I.12 BASEBALL PARK DISTRICT.

The municipality may establish a baseball park district to foster the development and continuing growth of compact, pedestrian-oriented, compatible mixed uses within buildings and blocks around the baseball park. Before establishing the district, the municipality must:

- (1) give public notice of the creation and boundaries of the district, including reasons that support the boundaries set by the municipality; and
- (2) hold at least one public hearing on the proposed establishment of the district.

473I.13 JOINT POWERS AGREEMENT.

Two or more cities may enter a joint powers agreement under section 471.59 to serve as a municipality for purposes of sections 473I.01 to 473I.12. If a joint powers agreement is entered for this purpose, the obligations and powers of and the limitations on a municipality under sections 473I.01 to 473I.12 apply to each of the cities.

1.1 Senator moves to amend H.F. No. 2480 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 " **ARTICLE 1**
1.4 **BALLPARK**

1.5 Section 1. Minnesota Statutes 2004, section 297A.71, is amended by adding a
1.6 subdivision to read:

1.7 Subd. 38. **Building materials exemption.** Materials, supplies, and equipment used
1.8 or consumed in, and incorporated into the construction or improvement of the ballpark
1.9 and public infrastructure constructed pursuant to sections 473.75 to 473.757, are exempt.
1.10 This subdivision expires one year after the date that the first major league baseball game is
1.11 played in the ballpark for materials, supplies, and equipment used in the ballpark, and five
1.12 years after the issuance of the first bonds under section 473.755 for materials, supplies,
1.13 and equipment used in the public infrastructure.

1.14 Sec. 2. **[473.75] PURPOSE.**

1.15 The purpose of this article is to provide for the construction, financing, and
1.16 long-term use of a ballpark primarily as a venue for major league baseball. It is found and
1.17 declared that the expenditure of public money for this purpose is necessary and serves
1.18 a public purpose. It is further found and declared that any provision in a lease or use
1.19 agreement with a major league team, that requires the team to play its home games in a
1.20 publicly funded ballpark for the duration of the lease or use agreement, serves a unique
1.21 public purpose for which the remedies of specific performance and injunctive relief are
1.22 essential to its enforcement. It is further found and declared that government assistance to
1.23 facilitate the presence of major league baseball provides to the state of Minnesota and its
1.24 citizens highly valued intangible benefits that are virtually impossible to quantify and,
1.25 therefore, not recoverable even if the government receives monetary damages in the event
1.26 of a team's breach of contract. Minnesota courts are, therefore, charged with protecting
1.27 those benefits through the use of specific performance and injunctive relief as provided
1.28 herein and in the lease and use agreements.

1.29 Sec. 3. **[473.751] DEFINITIONS.**

1.30 Subdivision 1. **Terms.** As used in this article, the terms defined in this section
1.31 have the meanings given them in this section, except as otherwise expressly provided or
1.32 indicated by the context.

1.33 Subd. 2. **Ballpark.** "Ballpark" means the stadium suitable for major league baseball
1.34 to be constructed and financed under this article.

2.1 Subd. 3. **Ballpark costs.** "Ballpark costs" means the cost of designing, constructing,
2.2 and equipping a ballpark suitable for major league baseball. "Ballpark cost" excludes
2.3 the cost of land acquisition, site improvements, utilities, site demolition, environmental
2.4 remediation, railroad crash wall, site furnishings, landscaping, railroad right-of-way
2.5 development, district energy, site graphics and artwork and other site improvements
2.6 identified by the commission, public infrastructure, capital improvement reserves, bond
2.7 reserves, capitalized interest, and financing costs.

2.8 Subd. 4. **Development area.** "Development area" means the area in the city of
2.9 Minneapolis bounded by marked Interstate Highway 394, vacated Holden Street, the
2.10 Burlington Northern right-of-way, Seventh Street North, Sixth Avenue North, and Fifth
2.11 Street North.

2.12 Subd. 5. **Public infrastructure.** "Public infrastructure" means all property,
2.13 facilities, and improvements determined by the commission to facilitate the development
2.14 and use of the ballpark, including but not limited to property and improvements for
2.15 drainage, environmental remediation, parking, roadways, walkways, skyways, pedestrian
2.16 bridges, bicycle paths, and transit improvements to facilitate public access to the ballpark,
2.17 lighting, landscaping, utilities, streets, and land acquired and prepared for private
2.18 redevelopment in a manner related to the use of the ballpark.

2.19 Subd. 6. **Team.** "Team" means the owner and operator of the baseball team
2.20 currently known as the Minnesota Twins.

2.21 Sec. 4. **[473.752] LOCATION.**

2.22 The ballpark must be located in the city of Minneapolis at a site within the
2.23 development area.

2.24 Sec. 5. **[473.753] CONSTRUCTION OF BALLPARK.**

2.25 Subdivision 1. **Contracts.** The commission may enter into a development agreement
2.26 with the team or any other entity relating to the construction, financing, and use of the
2.27 ballpark and related facilities and public infrastructure. The commission may contract
2.28 for materials, supplies, and equipment in accordance with section 471.345, except that
2.29 the commission may employ or contract with persons, firms, or corporations to perform
2.30 one or more or all of the functions of architect, engineer, or construction manager with
2.31 respect to all or any part of the ballpark and public infrastructure. Alternatively, at the
2.32 request of the team, the commission shall authorize the team to provide for the design
2.33 and construction of the ballpark, subject to terms of this article. The commission may
2.34 also enter into agreements with Hennepin County or the city of Minneapolis relating to
2.35 the design and construction of the public infrastructure with revenues available to the

3.1 commission. The construction manager may enter into contracts with contractors for
 3.2 labor, materials, supplies, and equipment for the construction of the ballpark through the
 3.3 process of public bidding, except that the construction manager may, with the consent
 3.4 of the commission or the team:

3.5 (1) narrow the listing of eligible bidders to those that the construction manager
 3.6 determines to possess sufficient expertise to perform the intended functions;

3.7 (2) award contracts to the contractors that the construction manager determines
 3.8 provide the best value, which are not required to be the lowest responsible bidder; and

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

3.13 The commission may require that the construction manager certify, before the contract
 3.14 is signed, a certified, fixed, and stipulated construction price and completion date to the
 3.15 commission and post a bond in an amount at least equal to 100 percent of the certified
 3.16 price, to cover any costs that may be incurred in excess of the certified price, including,
 3.17 but not limited to, costs incurred by the commission or loss of revenues resulting from
 3.18 incomplete construction on the completion date. The commission may secure surety bonds
 3.19 as provided in section 574.26, securing payment of just claims in connection with all
 3.20 public work undertaken by it. Persons entitled to the protection of the bonds may enforce
 3.21 them as provided in sections 574.28 to 574.32, and are not be entitled to a lien on any
 3.22 property of the commission under sections 514.01 to 514.16. Contracts for construction
 3.23 and operation of the ballpark must include programs to provide for participation by small
 3.24 local businesses and businesses owned by women and people of color, and the inclusion
 3.25 of women and people of color in the workforces of contractors and ballpark operators.
 3.26 The contracts must comply with all employment requirements applicable to city and state
 3.27 contracts for construction, including requirements relating to the payment of prevailing
 3.28 wages under sections 177.41 to 177.44.

3.29 Subd. 2. **Zoning and planning.** It is found and declared that the construction
 3.30 of a ballpark within the development area is consistent with the adopted area plan, is
 3.31 the preferred ballpark location, and is a permitted land use. Local units of government
 3.32 may not impose restrictions or conditions on ballpark and public infrastructure land use
 3.33 approvals except those that are based on reasonable land use grounds and criteria that are
 3.34 within their jurisdiction to apply. This subdivision applies to establish a procedure for
 3.35 all land use reviews and approvals by local governments for the ballpark and related
 3.36 public infrastructure and supersedes all land use rules and restrictions and procedures

4.1 imposed by other law, charter, or ordinance. Section 15.99, subdivision 3, paragraphs
4.2 (f) and (g), does not apply. Within 60 days of the effective date of this article, the
4.3 city of Minneapolis and Hennepin County shall establish a ballpark implementation
4.4 committee with equal representation from the city of Minneapolis and Hennepin County
4.5 to make recommendations on street vacation, parking, roadways, walkways, skyways,
4.6 pedestrian bridges, bicycle paths, transit improvements to facilitate public street access to
4.7 the ballpark, and integration into the transportation plan for downtown and the region,
4.8 lighting, landscaping, utilities, streets, drainage, environmental remediation, and land
4.9 acquired and prepared for private redevelopment in a manner related to the use of
4.10 the ballpark. The recommendations of the committee must be forwarded to the city of
4.11 Minneapolis Planning Commission for an advisory recommendation and then to the city
4.12 council for action in a single resolution.

4.13 Subd. 3. **Local government action; environmental review.** Local governmental
4.14 units shall take action promptly and within project design and construction timetables on
4.15 applications for building permits and certificates of occupancy. The commission shall be
4.16 the responsible governmental unit for any environmental impact statement prepared under
4.17 section 116D.04. The commission may make decisions and take actions to acquire land
4.18 and obtain financing before completion of environmental review.

4.19 Sec. 6. **[473.754] CRITERIA AND CONDITIONS.**

4.20 Subdivision 1. **Binding and enforceable.** In developing the ballpark and entering
4.21 into related contracts, the commission must follow and enforce the criteria and conditions
4.22 in this section, provided that a determination by the commission that those criteria or
4.23 conditions have been met under any agreement or otherwise is conclusive.

4.24 Subd. 2. **Team contributions.** The team must agree to contribute at least
4.25 \$130,000,000 toward ballpark costs, plus percent of the cost of adding a retractable
4.26 roof to the ballpark. The team contribution must be reduced by a proportionate share
4.27 of any amount by which actual ballpark costs may be less than a budgeted amount of
4.28 \$390,000,000, plus the costs of a retractable roof. The team contributions must be funded
4.29 in cash during the construction period. In addition to any other team contribution, the
4.30 team must agree to assume and pay when due all cost overruns for the ballpark costs that
4.31 exceed the budget, excluding land, site improvements, and public infrastructure.

4.32 Subd. 3. **Reserve for capital improvements.** The commission shall require
4.33 that a reserve fund for capital improvements to the stadium be established and funded
4.34 with annual team payments of \$1,000,000 and annual payments from other sources
4.35 of \$1,000,000. The annual payments must increase according to an inflation index

5.1 determined by the commission. The commission may accept contributions from any other
5.2 source for the portion of the funding not required to be provided by the team.

5.3 Subd. 4. **Lease or use agreements.** The commission and team must agree to a
5.4 long-term lease or use agreement with the team for its use of the ballpark. The team
5.5 must agree to play all regularly scheduled and postseason home games at the ballpark.
5.6 Preseason games may also be scheduled and played at the ballpark. The lease or use
5.7 agreement must be for a term of at least 30 years from the date of ballpark completion.
5.8 The lease or use agreement must include terms for default, termination, and breach of
5.9 the agreement. Recognizing that the presence of major league baseball provides to the
5.10 state of Minnesota and its citizens highly valued, intangible benefits that are virtually
5.11 impossible to quantify and, therefore, not recoverable in the event of a team owner's
5.12 breach of contract, the lease and use agreements must provide for specific performance
5.13 and injunctive relief to enforce provisions relating to use of the ballpark for major league
5.14 baseball and must not include escape clauses or buyout provisions.

5.15 Subd. 5. **Notice requirement for certain events.** Until 30 years from the date
5.16 of ballpark completion, the team must provide written notice to the commission not
5.17 less than 90 days before any action, including any action imposed upon the team by
5.18 Major League Baseball, which would result in a breach or default of provisions of the
5.19 lease or use agreements required to be included under subdivision 4. If this notice
5.20 provision is violated and the team has already breached or been in default under the
5.21 required provisions, the commission or the state may specifically enforce the lease or
5.22 use agreement, and Minnesota courts shall fashion equitable remedies so that the team
5.23 may fulfill the conditions of the lease and use agreements, including, but not limited to,
5.24 remedies against Major League Baseball.

5.25 Subd. 6. **Enforceable financial commitments.** The commission must determine
5.26 before ballpark construction begins that all public and private funding sources for
5.27 construction and operation of the ballpark are included in written agreements. The
5.28 committed funds must be adequate to design, construct, furnish, and equip the ballpark.

5.29 Subd. 7. **Community ownership option.** (a) The lease or use agreement for the
5.30 baseball facility must provide that if the owner of the baseball franchise seeks to sell the
5.31 franchise during the term of the agreement, the franchise must first be offered for sale to
5.32 the entity formed in compliance with paragraph (b) on the same terms offered to any other
5.33 entity. The offer to sell the franchise to this entity must remain open for at least one
5.34 year. The amounts that would otherwise be returned to the public under subdivision 10

6.1 may be used by an entity created under paragraph (b) to offset the cost of acquiring the
6.2 baseball franchise.

6.3 (b) The governor and the commission must attempt to facilitate the formation
6.4 of a corporation to acquire the baseball franchise and to identify an individual private
6.5 managing owner of the corporation. The corporation formed to acquire the franchise must
6.6 have a capital structure that complies with all of the following provisions:

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

6.10 (2) the private managing owner must own no less than 25 percent and no more than
6.11 35 percent of the common stock. For purposes of this restriction, shares of common stock
6.12 owned by the private managing owner include shares of commons stock owned by any
6.13 related taxpayer as defined in section 1313(c) of the Internal Revenue Code of 1986, as
6.14 amended. Other than the rights of all other holders of common stock and preferred stock
6.15 with respect to relocation of the franchise or voluntary contraction, the private managing
6.16 owner must control all aspects of the operation of the corporation;

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

6.19 (4) at least 50 percent of the ownership of the common stock must be sold to
6.20 members of the general public in a general solicitation and no person or entity may own
6.21 more than one percent of common stock of the corporation; and

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

6.28 (c) Except as specifically provided by this article, no state agency may spend money
6.29 from any state fund for the purpose of generating revenue under this subdivision or for the
6.30 purpose of providing operating support or defraying operating losses of a professional
6.31 baseball franchise.

6.32 Subd. 8. **Environmental requirements.** The commission must comply with all
6.33 environmental requirements imposed for the ballpark, site, and structure by regulatory
6.34 agencies.

6.35 Subd. 9. **Ballpark design.** (a) The ballpark must have a retractable roof.

7.1 (b) The commission must ensure that the ballpark receives Leadership in Energy and
 7.2 Environmental Design (LEED) certification for environmental design, and to the extent
 7.3 practicable, that the ballpark design is architecturally significant.

7.4 (c) The ballpark design must, to the extent feasible, follow sustainable building
 7.5 guidelines established under section 16B.325.

7.6 (d) The commission must ensure that the ballpark be, to the greatest extent
 7.7 practicable, constructed of American-made steel.

7.8 Subd. 10. **Public share upon sale of team.** The lease or use agreement must
 7.9 provide that, if the team is sold after the effective date of this article, a portion of the sale
 7.10 price must be paid to the authority and deposited in a reserve fund for improvements to
 7.11 the ballpark or expended as the authority may otherwise direct. The portion required to
 7.12 be so paid to the authority is 18 percent of the gross sale price, declining to zero ten
 7.13 years after commencement of ballpark construction in increments of 1.8 percent each
 7.14 year. The agreement shall provide exceptions for sales to members of the owner's family
 7.15 and entities and trusts beneficially owned by family members, sales to employees of
 7.16 equity interests aggregating up to ten percent, and sales related to capital infusions not
 7.17 distributed to the owners.

7.18 Subd. 11. **Access to books and records.** The commission must seek a provision in
 7.19 the lease or use agreement that provides the commission access to annual audited financial
 7.20 statements of the team and other financial books and records that the commission deems
 7.21 necessary to determine compliance by the team with this article and to enforce the terms
 7.22 of any lease or use agreements entered into under this article. Any financial information
 7.23 obtained by the commission under this subdivision is nonpublic data under section 13.02,
 7.24 subdivision 9.

7.25 Subd. 12. **Affordable access.** To the extent determined by the commission or
 7.26 required by a grant agreement, any lease or use agreement must provide for affordable
 7.27 access to the professional sporting events held in the ballpark.

7.28 Subd. 13. **No strikes or lockouts.** The commission must use its best efforts to
 7.29 negotiate a public sector project labor agreement or other agreement to prevent strikes and
 7.30 lockouts that would halt, delay, or impede construction of the ballpark and related facilities.

7.31 Subd. 14. **Youth and amateur sports.** The lease or use agreement must require that
 7.32 the team provide or cause to be provided \$250,000 annually for the term of the agreement
 7.33 for youth activities and amateur sports without reducing the amounts otherwise normally
 7.34 provided for and on behalf of the team for those purposes. The amount must increase

8.1 according to an inflation factor not to exceed 2.5 percent annually and may be subject to a
8.2 condition that the county fund grants for similar purposes as authorized by this article.

8.3 Subd. 15. **Name retention.** The lease or use agreement must provide that the
8.4 team and league will transfer to the state of Minnesota the Minnesota Twins' heritage
8.5 and records, including the name, logo, colors, history, playing records, trophies and
8.6 memorabilia in the event of any dissolution or relocation of the Twins franchise.

8.7 Sec. 7. **[473.755] FINANCING OF FACILITY.**

8.8 Subdivision 1. **Public expenditures.** The amount that the commission may grant or
8.9 expend for ballpark costs must not exceed \$475,000,000. The amount of any grant for
8.10 capital improvement reserves must not exceed \$1,000,000 annually, subject to annual
8.11 increases according to an inflation index acceptable to the commission. This section does
8.12 not limit the amount of grants or expenditures for land, site improvements, and public
8.13 infrastructure. A grant agreement is valid and enforceable notwithstanding that it involves
8.14 payments in future years and they do not constitute a debt of the commission within
8.15 the meaning of any constitutional or statutory limitation or for which a referendum is
8.16 required. The commission may acquire land, air rights, and other property interests within
8.17 the development area for the ballpark site and public infrastructure for development as a
8.18 ballpark, and acquire and construct any related public infrastructure. The commission may
8.19 review and approve ballpark designs, plans, and specifications to the extent provided in a
8.20 grant agreement and in order to ensure that the public purposes of the grant are carried
8.21 out. Public infrastructure designs must optimize area transit and bicycle opportunities,
8.22 including connections to planned or existing trails and transportation corridors, including
8.23 Central, Hiawatha, I-394, Northstar, Northwest, Red Rock, Rush Line, and Southwest. The
8.24 commission may enforce the provisions of any grant agreement by specific performance.
8.25 The commission may reimburse a local governmental entity within which the ballpark is
8.26 located or make a grant to such a governmental unit for site acquisition, preparation of the
8.27 site for ballpark development, and public infrastructure. Amounts expended by a local
8.28 governmental unit with the proceeds of a grant or in expectation of reimbursement by the
8.29 commission are not an expenditure or other use of local governmental resources by the
8.30 governmental unit within the meaning of any law or charter limitation.

8.31 Subd. 2. **Revenue bonds.** When the criteria and conditions set forth in section
8.32 473.754 have been met, the commission may, by resolution, authorize, sell, and issue
8.33 revenue bonds to provide money to finance all or a portion of the costs of site acquisition,
8.34 site improvements and other activities necessary to prepare a site for development of a
8.35 ballpark, to construct, improve, and maintain the ballpark and to establish and fund capital

9.1 improvement reserves, and to acquire and construct any related parking facilities and other
9.2 public infrastructure. The commission may also, by resolution, issue bonds to refund the
9.3 bonds issued under this section. The term of the bonds must be no longer than is necessary
9.4 to provide interim financing in anticipation of receipt of sufficient funds under section
9.5 473.131 to meet these costs. The bonds must be limited obligations, solely payable from
9.6 or secured by revenues to become available under this article and article 3. The bonds
9.7 may be issued in one or more series and sold without an election. The bonds must be sold
9.8 in the manner provided by section 475.60. The bonds shall be secured, bear the interest
9.9 rate or rates or a variable rate, have the rank or priority, be executed in the manner, be
9.10 payable in the manner, mature, and be subject to the defaults, redemptions, repurchases,
9.11 tender options, or other terms the commission may determine. The commission may enter
9.12 into and perform all contracts deemed necessary or desirable by it to issue and secure the
9.13 bonds, including an indenture of trust with a trustee within or without the state. The debt
9.14 represented by the bonds is not included in computing any debt limitation applicable to
9.15 the commission. Subject to this subdivision, the bonds must be issued and sold in the
9.16 manner provided in chapter 475. The bonds must recite that they are issued under this
9.17 section and the recital is conclusive as to the validity of the bonds and the imposition and
9.18 pledge of the taxes levied for their payment.

9.19 **Sec. 8. [473.756] CITY REQUIREMENTS.**

9.20 Subdivision 1. **Third Avenue.** At the request of the commission, the city of
9.21 Minneapolis shall vacate the portion of Third Avenue North from Seventh Street North to
9.22 the intersection of Third Avenue North and the on-ramp to marked Interstate Highway 394
9.23 without impeding on-ramp access.

9.24 Subd. 2. **Land conveyance.** At the request of the commission, the city of
9.25 Minneapolis shall convey to the commission at fair market value all real property it owns
9.26 that is located in the development area and is not currently used for road, sidewalk, or
9.27 utility purposes and that the commission determines to be necessary for ballpark or public
9.28 infrastructure purposes.

9.29 Subd. 3. **Liquor licenses.** The city of Minneapolis shall issue intoxicating liquor
9.30 licenses that are reasonably requested for the premises of the ballpark. These licenses
9.31 are in addition to the number authorized by law. All provisions of chapter 340A not
9.32 inconsistent with this section apply to the licenses authorized under this subdivision.

9.33 Subd. 4. **Charter limitations.** Actions taken by the city of Minneapolis under this
9.34 section are not an expenditure or other use of city resources within the meaning of any
9.35 charter limitation.

10.1 Sec. 9. **[473.757] LOCAL TAXES.**

10.2 No local unit of government shall impose a new or additional tax on sales or uses
10.3 of any item that is not in effect for the ballpark site on the effective date of this article,
10.4 except taxes generally applicable throughout the jurisdiction.

10.5 Sec. 10. **REPEALER.**

10.6 Minnesota Statutes 2004, sections 272.02, subdivision 50; 297A.71, subdivision 31;
10.7 473.5995, subdivision 2; 473I.01; 473I.02; 473I.03; 473I.04; 473I.05; 473I.06; 473I.07;
10.8 473I.08; 473I.09; 473I.10; 473I.11; 473I.12; and 473I.13, are repealed.

10.9 Sec. 11. **EFFECTIVE DATE.**

10.10 This article is effective the day following final enactment.

10.11 **ARTICLE 2**

10.12 **FOOTBALL STADIUM**

10.13 Section 1. Minnesota Statutes 2004, section 297A.71, is amended by adding a
10.14 subdivision to read:

10.15 Subd. 39. Stadium construction materials and equipment exempt. Materials
10.16 and supplies used or consumed in, and equipment incorporated into the construction of
10.17 a National Football League stadium constructed under sections 473.76 to 473.769 are
10.18 exempt. The exemption under this subdivision terminates one year after the first National
10.19 Football League game is played in the stadium.

10.20 Sec. 2. **[473.76] PURPOSE.**

10.21 The legislature finds that construction of a new stadium that meets National Football
10.22 League programmatic requirements, with a retractable roof, in the city of Blaine, county
10.23 of Anoka, serves a public purpose. The legislature finds that the public purpose served
10.24 includes retaining the Minnesota Vikings as a part of Minnesota's public amenities for
10.25 its citizens and as a major attraction to visitors to the state, adding to the economic
10.26 development of the state, attracting revenue from out of the state, and preserving the
10.27 contributions of football to the culture of Minnesota and to the enjoyment of its citizens.
10.28 Further, the legislature finds that a National Football League stadium may be financed as a
10.29 public-private partnership between the state, the Minnesota Vikings, and other supporting
10.30 interests that may contribute to the construction of a football stadium and related facilities.
10.31 The legislature further finds that a new stadium should be coordinated with transportation
10.32 and transit plans and activities.

10.33 Sec. 3. **[473.761] DEFINITIONS.**

11.1 Subdivision 1. **Terms.** For the purposes of sections 473.76 to 473.769, the terms
 11.2 defined in this section have the meanings given them in this section, except as otherwise
 11.3 expressly provided or indicated by the context.

11.4 Subd. 2. **Sports facilities.** "Sports facilities" means the stadium, with a retractable
 11.5 or fixed roof, adjoining structures related to the operation of the stadium, practice
 11.6 facilities, including preseason training camp facilities, and other supporting infrastructure,
 11.7 including parking.

11.8 Subd. 3. **Stadium district.** "Stadium district" means a district designated by the
 11.9 commission that contains the National Football League stadium and consists of no more
 11.10 than 740 contiguous acres surrounding the sports facilities.

11.11 Sec. 4. **[473.762] LOCATION.**

11.12 The new National Football League stadium must be located in the city of Blaine,
 11.13 Anoka County, Minnesota.

11.14 Sec. 5. **[473.763] CONSTRUCTION OF FOOTBALL STADIUM.**

11.15 Subdivision 1. **Construction manager.** The commission and the Minnesota Vikings
 11.16 shall jointly select a construction manager. With respect to the construction of the stadium,
 11.17 the construction manager must:

- 11.18 (1) guarantee a maximum cost of construction; and
- 11.19 (2) provide payment and performance bonds or other security reasonably acceptable
 11.20 to the commission in an amount equal to the guaranteed maximum cost of construction,
 11.21 and must comply with all employment requirements applicable to city and state contracts
 11.22 for construction, including requirements relating to the payment of prevailing wages under
 11.23 sections 177.41 to 177.44. Contracts for construction and operation of the ballpark must
 11.24 include programs to provide for participation by small local businesses and businesses
 11.25 owned by women and people of color, and the inclusion of women and people of color
 11.26 in the workforces of contractors and ballpark operators.

11.27 Subd. 2. **Contracts.** The lessee under the stadium lease or the construction manager
 11.28 may enter into contracts with contractors for labor, materials, supplies, and equipment to
 11.29 equip and construct the new stadium through the process of public bidding.

11.30 Subd. 3. **Bids.** The lessee or the construction manager may:

- 11.31 (1) limit the list of eligible bidders to those that the construction manager determines
 11.32 possess sufficient expertise to perform the intended functions;
- 11.33 (2) award contracts to the contractors that the construction manager determines
 11.34 provide the best value, which need not be the lowest responsible bidder; and

12.1 (3) for work the construction manager determines to be critical to the completion
12.2 schedule, the construction manager may award contracts on the basis of competitive
12.3 proposals or perform work with its own forces without soliciting competitive bids if the
12.4 construction manager provides evidence of competitive pricing.

12.5 Subd. 4. **Design.** The commission must ensure that the stadium receives Leadership
12.6 in Energy and Environmental Design (LEED) certification for environmental design, and
12.7 to the extent practicable, that the stadium design is architecturally significant.

12.8 Sec. 6. **[473.764] CRITERIA AND CONDITIONS.**

12.9 Subdivision 1. **Requirement.** The commission shall issue its bonds and construction
12.10 of the stadium may commence when the commission has completed the requirements
12.11 imposed under this section.

12.12 Subd. 2. **Use agreement.** The commission must execute a long-term use agreement
12.13 with the Minnesota Vikings, meeting the requirements of section 473.767.

12.14 Subd. 3. **Development and financing agreement.** The commission must execute
12.15 a development and financing agreement with the Minnesota Vikings meeting the
12.16 requirements of section 473.766.

12.17 Subd. 4. **Sufficient funds.** The commissioner must determine that the proceeds
12.18 of bonds authorized and provided for in section 473.765 will be sufficient, together
12.19 with other capital funds that may be available to the commission for expenditure on the
12.20 sports facilities, including, except as otherwise provided in this section, the acquisition,
12.21 clearance, relocation, and legal costs referred to in subdivisions 5 and 6.

12.22 Subd. 5. **Acquisition of property.** The commission must acquire title to or an
12.23 interest in all real property, including all easements, air rights, and other appurtenances
12.24 needed for the construction and operation of the sports facility or has received a grant of
12.25 money or has entered into agreements sufficient in the judgment of the commission to
12.26 assure the receipt of money, at the time and in the amount required, to make any payment
12.27 upon which the commission's acquisition of title or interest in and possession of the real
12.28 property is conditioned.

12.29 Subd. 6. **Money for site preparation.** The commission must receive a grant of
12.30 money or entered into agreements sufficient in the judgment of the commission to assure
12.31 the receipt of money, at the time and in the amount required, to pay all costs, except as
12.32 provided in this subdivision, of clearing the real property needed for the construction and
12.33 operation of the sports facilities, railroad tracks, and other structures, including, without
12.34 limitation, all relocation costs, all utility relocation costs, and all legal costs.

13.1 Subd. 7. Agreement prohibiting strikes. The commission must use its best efforts
 13.2 to negotiate an agreement to prevent strikes and lockouts that would halt, delay, or impede
 13.3 construction of the sports facilities.

13.4 Subd. 8. Construction agreements. The commission must execute agreements
 13.5 that will provide for the construction of the sports facilities for a certified or guaranteed
 13.6 construction price and completion date. The agreements must include performance bonds
 13.7 in an amount at least equal to 100 percent of the certified or guaranteed price to cover any
 13.8 costs that may be incurred over and above the certified price, including, but not limited
 13.9 to, costs incurred by the commission or loss of revenues resulting from incomplete
 13.10 construction on the completion date.

13.11 Subd. 9. Environmental requirements. The commission must ensure that
 13.12 environmental requirements imposed for the sports facilities by regulatory agencies are
 13.13 complied with.

13.14 Subd. 10. Adequacy of revenues. The commission must determine that the
 13.15 anticipated revenue from the operation of the sports facilities, plus any additional available
 13.16 revenue of the commission, will be an amount sufficient to pay when due all debt service
 13.17 on the bonds issued under section 473.765, subdivision 1, plus all administration,
 13.18 operating, and maintenance expense of the sports facilities.

13.19 Subd. 11. Committed funds. The commission must determine that all public and
 13.20 private funding sources for construction and operation of the sports facilities are officially
 13.21 committed in writing and enforceable. The committed funds must be adequate to site,
 13.22 design, construct, furnish, equip, and service the sports facilities debt, as well as to pay
 13.23 for the ongoing operation and maintenance of the stadium.

13.24 Subd. 12. Guaranty. The commission must ensure that a guaranty is in place in
 13.25 a form satisfactory to the commission. The guaranty may be in the form of a letter of
 13.26 credit, minimum net worth requirements, personal guaranties or other surety covering the
 13.27 payments on terms determined by the commission's negotiations with the Minnesota
 13.28 Vikings.

13.29 Subd. 13. Effect of determinations. The validity of any bonds issued under section
 13.30 473.765, subdivision 1, clauses (1) and (2), and the obligation of the commission related
 13.31 to them, must not be conditioned upon or impaired by the commission's determinations
 13.32 made under this section. For purposes of issuing the bonds, the determinations made by
 13.33 the commission shall be deemed conclusive and the commission shall be and remain
 13.34 obligated for the security and payment of the bonds, irrespective of determinations that
 13.35 may be erroneous, inaccurate, or otherwise mistaken.

14.1 Sec. 7. [473.765] ISSUANCE OF BONDS.

14.2 Subdivision 1. Bonds. The commission may by resolution authorize the sale and
14.3 issuance of its bonds for any or all of the following purposes:

14.4 (1) to provide money and pay costs to predesign, design, construct, furnish, equip,
14.5 and otherwise improve or better the sports facilities owned or to be owned by the
14.6 commission pursuant to this article, including construction of a retractable roof, and
14.7 to finance acquisition of right-of-way and construction and reconstruction of Interstate
14.8 Highway 35W and other trunk highways in Anoka County to improve access to the
14.9 stadium;

14.10 (2) to establish a reserve fund or funds for the bonds and to pay costs of issuance
14.11 of the bonds;

14.12 (3) to refund bonds issued under this section; and

14.13 (4) to fund judgments entered by court against the commission in matters relating to
14.14 the commission's functions related to the sports facilities.

14.15 Subd. 2. Procedure. The bonds must be sold, issued, and secured on the terms
14.16 and conditions the commission determines to be in the best interests of the commission,
14.17 except as otherwise provided in sections 473.76 to 473.769. The bonds may be sold at
14.18 any price and at public or private sale as determined by the commission. They shall be
14.19 payable solely from revenues referred to in sections 473.76 to 473.769. The bonds are not
14.20 a general obligation or debt of the commission or any city, county, or the state, and shall
14.21 not be included in the net debt of any city, county, or other subdivision of the state for the
14.22 purpose of any net debt limitation. No election is required.

14.23 Subd. 3. Limitations. The principal amount of bonds issued by the authority under
14.24 subdivision 1, clauses (1) and (2), must not exceed \$510,000,000 plus the amounts
14.25 necessary to fund appropriate reserves, capitalized interest, bond insurance, and to pay
14.26 issuance costs. The term of the bonds must be no longer than is necessary to provide
14.27 interim financing in anticipation of receipt of sufficient funds under section 473.131 for
14.28 the purposes of subdivision 1, clauses (1) and (2).

14.29 Subd. 4. Security. To the extent and in the manner provided in sections 473.76 to
14.30 473.769, the revenues of the commission described in this article, and any other revenues
14.31 of the commission attributable to the sports facilities, including teams' contributions, must
14.32 be and remain pledged and appropriated to the commission as appropriate for the payment
14.33 of all necessary and reasonable expenses of the operation, administration, maintenance
14.34 of the sports facilities, and debt service on the bonds until all bonds or certificates of
14.35 indebtedness issued under sections 473.76 to 473.769 are fully paid or discharged in

15.1 accordance with law. Bonds issued under sections 473.76 to 473.769 may be secured by a
15.2 bond resolution, or by a trust indenture entered into by the commission with a corporate
15.3 trustee within or outside the state, which must define the revenue and team contributions,
15.4 and other sports facilities revenues pledged for the payment and security of the bonds. The
15.5 pledge is a valid charge on the revenues referred to in this article from the date when bonds
15.6 are first issued or secured under the resolution or indenture and shall secure the payment
15.7 of principal and interest and redemption premiums when due and the maintenance at all
15.8 times of a reserve or reserves securing payments. No mortgage of or security interest in
15.9 any tangible real or personal property may be granted to the bondholders or the trustee,
15.10 but they shall have a valid security interest in all tax and other revenues received and
15.11 accounts receivable by the commission under this article, as against the claims of all other
15.12 persons in tort, contract, or otherwise, irrespective of whether the parties have notice of
15.13 the claims, and without possession or filing as provided in the Uniform Commercial
15.14 Code or any other law. In the bond resolution or trust indenture, the commission may
15.15 make covenants, which shall be binding upon the commission, that are determined to be
15.16 usual and reasonably necessary for the protection of the bondholders. No pledge may be
15.17 revoked or amended by law or by action of the commission except in accordance with
15.18 the terms of the bond resolution or indenture under which the bonds are issued, until the
15.19 obligations of the commission are fully discharged.

15.20 Subd. 5. **No full faith and credit.** Any bonds or other obligations issued by the
15.21 commission under sections 473.76 to 473.769 are not public debt of the state, and the full
15.22 faith and credit and taxing powers of the state are not pledged for their payment or of any
15.23 payments that the state agrees to make under this article.

15.24 Subd. 6. **Taxability of interest on bonds.** The bonds authorized by this section
15.25 may be issued whether or not the interest to be paid on them is gross income for federal
15.26 tax purposes, provided that the commission must make an effort to arrange the financing
15.27 for the project in a manner that would allow the interest to be tax-exempt to the greatest
15.28 extent possible.

15.29 **Sec. 8. [473.766] DEVELOPMENT AND FINANCING AGREEMENT.**

15.30 Subdivision 1. **Agreement required.** Prior to commencement of construction, the
15.31 commission must negotiate and enter into an agreement with Anoka County, the city of
15.32 Blaine, and the Minnesota Vikings concerning the terms and conditions under which
15.33 the parties will make contributions of money, future revenues, interests in property for
15.34 the site and public infrastructure, the method of completing design and construction,
15.35 which may include the design build process, the integration of the stadium and related

16.1 infrastructure with surrounding development, and other matters relating to the stadium,
 16.2 its operation, maintenance, and financing. This agreement must, at a minimum, meet
 16.3 the requirements of this section.

16.4 Subd. 2. Total public investment towards stadium project costs. The total public
 16.5 investment shall not exceed \$510,000,000, of which \$395,000,000 is for stadium project
 16.6 costs and \$115,000,000 is for offsite infrastructure. As used in this section, "stadium
 16.7 project costs" includes the costs of the following:

16.8 (1) acquisition of land needed for the stadium structure and related parking and
 16.9 infrastructure;

16.10 (2) design and construction of the stadium and related infrastructure;

16.11 (3) finished space and fixtures, furniture, and equipment within the stadium project
 16.12 for the Minnesota Vikings, concessions and suites; and

16.13 (4) land, design, construction, fixtures, furniture, and equipment for the Minnesota
 16.14 Vikings indoor practice facility and exhibition hall.

16.15 The extent of the expenditures under this section is subject to the agreement of
 16.16 the Minnesota Vikings. Expenditures for finishing and equipping the space within the
 16.17 stadium for the Minnesota Vikings is subject to a per square foot maximum agreed to
 16.18 by the commission and the team.

16.19 Subd. 3. Team contribution. The team must contribute at least \$280,000,000
 16.20 to the sports facility costs. Team contributions may include, but are not limited to,
 16.21 contribution of land, initial cash contributions, and cash equivalent to the net present
 16.22 value of guaranteed annual payments and assignments of naming rights and permanent
 16.23 seat licenses. Team contributions do not include payments of operating and maintenance
 16.24 expenses for the stadium, which must be made by the team. In addition to any other team
 16.25 contribution, the team must assume and pay when due all cost overruns for the stadium.

16.26 Sec. 9. [473.767] USE AGREEMENT.

16.27 Subdivision 1. Requirement. Prior to the issuance of bonds under section 473.765,
 16.28 the commission must have entered into an agreement with the Minnesota Vikings and the
 16.29 National Football League meeting the requirements of this section.

16.30 Subd. 2. Agreement with Minnesota Vikings. The commission shall enter into a
 16.31 use agreement with the Minnesota Vikings that, at a minimum, provides for the following:

16.32 (1) the Minnesota Vikings will use the stadium for all scheduled home preseason,
 16.33 regular season, and postseason games that the team is entitled to play at home for a term
 16.34 of not less than 30 years;

17.1 (2) the agreement must include terms for default, termination, and breach of
17.2 agreement; and

17.3 (3) the agreement must require specific performance and must not include escape
17.4 clauses or buyout provisions.

17.5 Subd. 3. Agreement with national football league. The commission shall enter
17.6 into an agreement with the National Football League guaranteeing the continuance of the
17.7 Minnesota Vikings in the metropolitan area for the period of the agreements referred to in
17.8 subdivision 2, clause (1).

17.9 Sec. 10. [473.768] LIQUOR LICENSES.

17.10 The city of Blaine may issue one or more intoxicating liquor licenses for the
17.11 stadium. These licenses are in addition to the number authorized by law. All provisions
17.12 of chapter 340A not inconsistent with this subdivision apply to the licenses authorized
17.13 under this subdivision.

17.14 Sec. 11. EFFECTIVE DATE.

17.15 This article is effective the day following final enactment.

17.16 **ARTICLE 3**

17.17 **SPORTS FACILITIES FINANCING AND GOVERNANCE**

17.18 Section 1. [473.131] METROPOLITAN AREA SALES AND USE TAXES.

17.19 Subdivision 1. Sales and use tax authorized. Notwithstanding section 477A.016
17.20 or any other provision of law, ordinance, or city charter, if approved by a majority of the
17.21 voters in the metropolitan area at an election described in section 19, the council shall
17.22 impose by resolution a sales and use tax at a rate of one-half of one percent on sales
17.23 and uses in the metropolitan area for the purposes specified in subdivision 3. Except
17.24 as otherwise provided in this section, the provisions of section 297A.99 govern the
17.25 imposition, administration, collection, and enforcement of the tax authorized under this
17.26 subdivision.

17.27 Subd. 2. Use of revenues. (a) The proceeds remitted to the Metropolitan Council
17.28 under this section must be used by the council as follows:

17.29 (1) one-half must be distributed to the Metropolitan Sports Facilities Commission to
17.30 be used to finance a new ballpark for the use of the Minnesota Twins, including public
17.31 infrastructure costs, ballpark costs, capital improvements to the ballpark, operating
17.32 expenses of the commission, and payment of debt service on obligations issued under
17.33 article 1, and a new stadium for the use of the Minnesota Vikings; and

17.34 (2) one-half to be used by the council for implementation of the public transit
17.35 components of the council's 2030 transportation policy plan, and for other public transit

18.1 operations and capital improvements provided or assisted by the council in counties in the
18.2 metropolitan transportation area.

18.3 (b) When sufficient revenues to complete construction of the stadium and ballpark
18.4 and to provide for payment of the costs described in paragraph (a), clause (1), have been
18.5 raised from the tax under this section and all other revenues available for those projects,
18.6 the full amount of the revenues from the tax must be used for purposes of paragraph
18.7 (a), clause (2).

18.8 Subd. 3. **Exemption to tax limitations.** The tax imposed under this section is
18.9 not included in determining whether the total tax on lodging in the city of Minneapolis
18.10 exceeds the maximum allowed tax under Laws 1986, chapter 396, section 5, as amended
18.11 by Laws 2001, First Special Session chapter 5, article 12, section 87, or in determining a
18.12 tax that may be imposed under any other limitations.

18.13 Subd. 4. **Stadium financing.** The Metropolitan Sports Facilities Commission must
18.14 allocate the revenues provided under subdivision 2, paragraph (a), clause (1), in a manner
18.15 that provides for timely completion of both sports facilities, with the ballpark having first
18.16 priority in time, and that minimizes the cost of borrowing for construction of the facilities.
18.17 The commission must consult with the Minnesota Twins and the Minnesota Vikings in
18.18 developing the plan for timing of the projects.

18.19 Sec. 2. Minnesota Statutes 2004, section 473.551, subdivision 1, is amended to read:

18.20 Subdivision 1. **Terms.** For the purposes of sections 473.551 to 473.599 and 473.75
18.21 to 473.768, the following terms shall have the meanings given in this section.

18.22 Sec. 3. Minnesota Statutes 2004, section 473.551, subdivision 8, is amended to read:

18.23 Subd. 8. **Sports facility or sports facilities.** "Sports facility" or "sports facilities"
18.24 means real or personal property comprising a stadium, stadiums, or arenas suitable
18.25 for university or major league professional baseball, for university or major league
18.26 professional football and soccer, or for both, or for university or major league hockey or
18.27 basketball, or for both, together with adjacent parking facilities, including on the effective
18.28 date of Laws 1994, chapter 648, the metrodome, the met center, ~~and;~~ upon acquisition by
18.29 the commission, the basketball and hockey arena; the ballpark provided under sections
18.30 473.75 to 473.757; and the stadium provided under sections 473.76 to 473.768.

18.31 Sec. 4. Minnesota Statutes 2004, section 473.551, is amended by adding a subdivision
18.32 to read:

18.33 Subd. 18. **Ballpark.** "Ballpark" is the sports facility located in the city of
18.34 Minneapolis used primarily as a venue for playing major league baseball, constructed and
18.35 financed under sections 473.75 to 473.757.

19.1 Sec. 5. Minnesota Statutes 2004, section 473.551, is amended by adding a subdivision
19.2 to read:

19.3 Subd. 19. **Football stadium.** "Football stadium" is the sports facility located in the
19.4 city of Blaine used primarily as a venue for playing major league professional football,
19.5 constructed and financed under sections 473.76 to 473.768.

19.6 Sec. 6. Minnesota Statutes 2004, section 473.553, subdivision 2, is amended to read:

19.7 Subd. 2. **Membership.** The commission shall consist of ~~six~~ two members;
19.8 appointed by the governor, both of whom must reside in a metropolitan county other
19.9 than Anoka or Hennepin, one member appointed by the city council of the city in which
19.10 the stadium is located of Blaine, one member appointed by the city council of the city
19.11 of Minneapolis, two members appointed by the Anoka County Board, two members
19.12 appointed by the Hennepin County Board, plus a chair appointed as provided in
19.13 subdivision 3. The terms of all members of the commission on the date of enactment of
19.14 this act terminate, and the terms of all members under this subdivision as amended under
19.15 this act begin, on September 1, 2006. The members appointed by the governor, including
19.16 the chair, are subject to confirmation by the senate.

19.17 Sec. 7. Minnesota Statutes 2004, section 473.553, subdivision 3, is amended to read:

19.18 Subd. 3. **Chair.** The chair shall be appointed by the governor as ~~the ninth~~ a voting
19.19 member and shall meet all of the qualifications of a member, ~~except the chair need~~
19.20 ~~only reside outside the city of Minneapolis.~~ The chair shall preside at all meetings of
19.21 the commission, if present, and shall perform all other duties and functions assigned by
19.22 the commission or by law. The commission may appoint from among its members a
19.23 vice-chair to act for the chair during temporary absence or disability.

19.24 Sec. 8. Minnesota Statutes 2004, section 473.553, subdivision 4, is amended to read:

19.25 Subd. 4. **Qualifications.** A member shall not during a term of office hold the office
19.26 of Metropolitan Council member or be a member of another metropolitan agency or hold
19.27 any judicial office or office of state government. ~~None of the members appointed by the~~
19.28 ~~city council of the city in which the stadium is located shall be an elected public official of~~
19.29 ~~that city or of another political subdivision any part of whose territory is shared with that~~
19.30 ~~city.~~ Each member shall qualify by taking and subscribing the oath of office prescribed by
19.31 the Minnesota Constitution, article V, section 6. The oath, duly certified by the official
19.32 administering it, shall be filed with the chair of the Metropolitan Council.

19.33 Sec. 9. Minnesota Statutes 2004, section 473.553, subdivision 5, is amended to read:

19.34 Subd. 5. **Terms.** The initial terms of ~~three~~ the members appointed by the governor
19.35 and one of the members appointed by each of the county boards in 2006 shall end the

20.1 first Monday in January ~~in the year ending in the numeral "5" 2010~~. The terms of the
20.2 other members and the chair shall end the first Monday in January ~~in the year ending in~~
20.3 ~~the numeral "7" 2012~~. Thereafter, the term of each member and the chair shall be four
20.4 years. The terms shall continue until a successor is appointed and qualified. Members
20.5 may be removed only for cause.

20.6 Sec. 10. Minnesota Statutes 2004, section 473.556, subdivision 3, is amended to read:

20.7 Subd. 3. **Acquisition of property.** The commission may acquire by lease, purchase,
20.8 gift, or devise all necessary right, title, and interest in and to real or personal property
20.9 deemed necessary to the purposes contemplated by sections 473.551 to 473.599 and
20.10 473.75 to 473.768 within the limits of the metropolitan area.

20.11 Sec. 11. Minnesota Statutes 2004, section 473.556, subdivision 4, is amended to read:

20.12 Subd. 4. **Exemption of property.** (a) Except as otherwise provided in this
20.13 subdivision, any real or personal property acquired, owned, leased, controlled, used,
20.14 or occupied by the commission for any of the purposes of sections 473.551 to 473.599
20.15 and 473.75 to 473.768 is declared to be acquired, owned, leased, controlled, used and
20.16 occupied for public, governmental, and municipal purposes, and shall be exempt from
20.17 ad valorem taxation by the state or any political subdivision of the state, provided that
20.18 such properties shall be subject to special assessments levied by a political subdivision for
20.19 a local improvement in amounts proportionate to and not exceeding the special benefit
20.20 received by the properties from the improvement. No possible use of any such properties
20.21 in any manner different from their use under sections 473.551 to 473.599 or 473.75 to
20.22 473.768 at the time shall be considered in determining the special benefit received by the
20.23 properties. All assessments shall be subject to final confirmation by the council, whose
20.24 determination of the benefits shall be conclusive upon the political subdivision levying the
20.25 assessment. Notwithstanding the provisions of section 272.01, subdivision 2, or 273.19,
20.26 real or personal property leased by the commission to another person for uses related to
20.27 the purposes of sections 473.551 to 473.599 or 473.75 to 473.768, including the operation
20.28 of the metro dome, met center, and, if acquired by the commission, the basketball and
20.29 hockey arena shall be exempt from taxation regardless of the length of the lease. The
20.30 provisions of this subdivision, insofar as they require exemption or special treatment, shall
20.31 not apply to any real property comprising the met center, the ballpark, or the football
20.32 stadium, which is leased by the commission for residential, business, or commercial
20.33 development or other purposes different from those contemplated in sections 473.551 to
20.34 473.599 or 473.75 to 473.768, as applicable.

21.1 (b) For the football stadium, this exemption includes concessions, suites, locker
21.2 rooms, and clubhouse facilities in the stadium and parking facilities on the stadium site,
21.3 but does not include team offices.

21.4 Sec. 12. Minnesota Statutes 2004, section 473.556, subdivision 5, is amended to read:

21.5 Subd. 5. **Facility operation.** (a) The commission may equip, improve, operate,
21.6 manage, maintain, and control the Metrodome, Met Center, basketball and hockey arena
21.7 and sports facilities constructed, remodeled, or acquired under the provisions of sections
21.8 473.551 to 473.599 and, to the extent provided in the applicable use agreements, 473.75 to
21.9 473.768.

21.10 (b) The commission must seek to promote and maximize the use of the sports
21.11 facilities for uses in addition to that by the team for which it was constructed.

21.12 Sec. 13. Minnesota Statutes 2004, section 473.556, subdivision 6, is amended to read:

21.13 Subd. 6. **Disposition of property.** (a) The commission may sell, lease, or otherwise
21.14 dispose of any real or personal property acquired by it which is no longer required for
21.15 accomplishment of its purposes. The property shall be sold in accordance with the
21.16 procedures provided by section 469.065, insofar as practical and consistent with sections
21.17 473.551 to 473.599 and 473.75 to 473.768, except as provided in paragraph (c).

21.18 (b) The proceeds from the sale of any real property at the metropolitan sports area
21.19 shall be paid to the council and used for debt service or retirement.

21.20 (c) The sale or disposition of property acquired in connection with the ballpark is
21.21 not subject to the requirements of section 469.065, subdivisions 6 and 7. Title to the
21.22 ballpark shall not otherwise be transferred or sold without approval by a law enacted
21.23 by the legislature.

21.24 Sec. 14. Minnesota Statutes 2004, section 473.556, subdivision 12, is amended to read:

21.25 Subd. 12. **Use agreements.** The commission may lease, license, or enter into
21.26 agreements and may fix, alter, charge, and collect rentals, fees, and charges to all persons
21.27 for the use, occupation, and availability of part or all of any premises, property, or
21.28 facilities under its ownership, operation, or control for purposes that will provide athletic,
21.29 educational, cultural, commercial or other entertainment, instruction, or activity for the
21.30 citizens of the metropolitan area. Any such use agreement may provide that the other
21.31 contracting party shall have exclusive use of the premises at the times agreed upon. The
21.32 agreement related to the ballpark may provide that the other contracting party has the
21.33 right to retain all revenues from ticket sales, suite licenses, concessions, advertising,
21.34 naming rights, and other revenues derived from the ballpark. The lease or use agreement
21.35 with a team using the ballpark must provide for the payment by the team of operating

22.1 and maintenance costs and expenses and provide other terms the commission and team
22.2 agree to.

22.3 Sec. 15. Minnesota Statutes 2004, section 473.556, subdivision 17, is amended to read:

22.4 Subd. 17. **Creating a condominium.** The commission may, by itself or together
22.5 with the Minneapolis Community Development Agency and any other person, as to real
22.6 or personal property comprising or appurtenant or ancillary to the basketball and hockey
22.7 arena and the health club, the ballpark, or the football stadium, act as a declarant and
22.8 establish a condominium or leasehold condominium under chapter 515A or a common
22.9 interest community or leasehold common interest community under chapter 515B, and
22.10 may grant, establish, create, or join in other or related easements, agreements and similar
22.11 benefits and burdens that the commission may deem necessary or appropriate, and exercise
22.12 any and all rights and privileges and assume obligations under them as a declarant, unit
22.13 owner or otherwise, insofar as practical and consistent with sections 473.551 to 473.599.
22.14 The commission may be a member of an association and the chair, any commissioners and
22.15 any officers and employees of the commission may serve on the board of an association
22.16 under chapter 515A or 515B.

22.17 Sec. 16. Minnesota Statutes 2004, section 473.556, is amended by adding a subdivision
22.18 to read:

22.19 Subd. 18. **Web site.** The commission shall establish a Web site to provide
22.20 information to the public concerning all actions taken by the commission. At a minimum,
22.21 the Web site must contain a current version of the commission’s bylaws, notices of
22.22 upcoming meetings, minutes of the commission’s meetings, and contact telephone and fax
22.23 numbers for public comments.

22.24 Sec. 17. Minnesota Statutes 2004, section 473.561, is amended to read:

22.25 **473.561 EXEMPTION FROM COUNCIL REVIEW.**

22.26 The acquisition and betterment of sports facilities by the commission shall be
22.27 conducted pursuant to sections 473.551 to 473.599 and 473.75 to 473.768 and shall not be
22.28 affected by the provisions of sections 473.165 and 473.173. Minnesota Statutes, section
22.29 116J.994, does not apply to any transactions of the commission or any other governmental
22.30 entity related to the ballpark or its related public infrastructure.

22.31 Sec. 18. **[473.5996] PROCEEDS OF METRODOME SALE.**

22.32 Upon sale of the Metrodome, the Metropolitan Sports Facilities Commission must
22.33 transfer the net sales proceeds less costs of demolitions, if any, to the Metropolitan
22.34 Council for use to fund transit improvements.

22.35 Sec. 19. **ELECTION.**

23.1 The secretary of state, in cooperation with the county auditors of the metropolitan
 23.2 area, shall conduct a special election in the metropolitan area at the time of the general
 3.3 election the Tuesday after the first Monday in November 2006. The following questions
 23.4 shall appear on the ballot:

23.5 "Shall an additional tax of one-half of one percent be imposed on sales and uses in
 23.6 the metropolitan area to pay for a ballpark, a football stadium, and public transit operations
 23.7 and improvements in the metropolitan area?"

23.8 If a majority of the electors voting on the question answer the question in the
 23.9 affirmative, the Metropolitan Council is authorized to impose the tax described in
 23.10 Minnesota Statutes, section 473.131.

23.11 Sec. 20. **REPEALER.**

23.12 Minnesota Statutes 2004, section 473.553, subdivision 14, is repealed.

3.13 Sec. 21. **APPLICATION.**

23.14 This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
 23.15 Scott, and Washington.

23.16 Sec. 22. **EFFECTIVE DATE.**

23.17 This article is effective the day following final enactment."

Remove HF 2480
 from Taxes and
 place in Rules
 *Belanger Request

Rules and Administration Committee
 Roll Call Votes 2006

	Aye	Nay	Pass
Senator DE Johnson	✓		
Senator Rest	✓		
Senator Belanger		✓	
Senator Berglin		✓	
Senator Cohen	✓		
Senator Day		✓	✓
Senator Dille		✓	
Senator Fischbach		✓	
Senator Frederickson	✓		
Senator Hottinger	✓		
Senator Kiscaden	✓		
Senator Langseth	✓		
Senator Larson		✓	
Senator Limmer		✓	
Senator Marty		✓	
Senator Metzen	✓		
Senator Neuville		✓	
Senator Olson		✓	
Senator Pappas	✓		
Senator Pariseau			

(13)

9

	Aye	Nay	Pass
Senator Pogemiller	<u>✓</u>	<u> </u>	<u> </u>
Senator Ranum	<u> </u>	<u> </u>	<u> </u>
Senator Sams	<u>✓</u>	<u> </u>	<u> </u>
Senator Stumpf	<u>✓</u>	<u> </u>	<u> </u>
Senator Vickerman	<u>✓</u>	<u> </u>	<u> </u>
	Total	Total	Total
	<u> </u>	<u> </u>	<u> </u>

HF2480 as amended
 5th engrossment
 * Belanger Request

Rules and Administration Committee
 Roll-Call Votes 2006

	Aye	Nay	Pass
Senator DE Johnson	✓		
Senator Rest		✓	
Senator Belanger		✓	
Senator Berglin	✓		
Senator Cohen	✓		
Senator Day		✓	
Senator Dille		✓	
Senator Fischbach		✓	
Senator Frederickson		✓	
Senator Hottinger	✓		
Senator Kiscaden	✓		
Senator Langseth	✓		
Senator Larson		✓	
Senator Limmer		✓	
Senator Marty		✓	
Senator Metzen	✓		
Senator Neuville		✓	
Senator Olson		✓	
Senator Pappas	✓		
Senator Pariseau			

13

11

	Aye	Nay	Pass
Senator Pogemiller	<u>✓</u>	<u> </u>	<u> </u>
Senator Ranum	<u>✓</u>	<u> </u>	<u> </u>
Senator Sams	<u>✓</u>	<u> </u>	<u> </u>
Senator Stumpf	<u>✓</u>	<u> </u>	<u> </u>
Senator Vickerman	<u>✓</u>	<u> </u>	<u> </u>
	Total	Total	Total
	<u> </u>	<u> </u>	<u> </u>

Unofficial Engrossment

HF 2480

Version as Passed the Senate Rules committee and was sent to the Senate floor. (May 2, 2006)

1.1 A bill for an act
 1.3 relating to professional sports facilities; providing for the financing, construction,
 1.4 operation, and maintenance of a major league ballpark and related facilities;
 1.5 providing for the financing, construction, operation, and maintenance of a major
 1.6 league football stadium; authorizing a metropolitan area sales and use tax upon
 1.7 approval by voters; providing funding for certain public transit operations
 1.8 and capital improvements; requiring a Web site; providing that proceeds of
 1.9 the Metrodome sale be transferred to the Metropolitan Council for certain
 1.10 transit purposes; requiring an election; amending Minnesota Statutes 2004,
 1.11 sections 297A.71, by adding subdivisions; 473.551, subdivisions 1, 8, by adding
 1.12 subdivisions; 473.553, subdivisions 2, 3, 4, 5; 473.556, subdivisions 3, 4, 5,
 1.13 6, 12, 17, by adding a subdivision; 473.561; proposing coding for new law in
 1.14 Minnesota Statutes, chapter 473; repealing Minnesota Statutes 2004, sections
 1.15 272.02, subdivision 50; 297A.71, subdivision 31; 473.553, subdivision 14;
 1.16 473.5995, subdivision 2; 473I.01; 473I.02; 473I.03; 473I.04; 473I.05; 473I.06;
 473I.07; 473I.08; 473I.09; 473I.10; 473I.11; 473I.12; 473I.13.

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

1.18 **ARTICLE 1**
 1.19 **BALLPARK**

1.20 Section 1. Minnesota Statutes 2004, section 297A.71, is amended by adding a
 1.21 subdivision to read:

1.22 Subd. 37. Building materials exemption. Materials, supplies, and equipment used
 1.23 or consumed in, and incorporated into the construction or improvement of the ballpark
 1.24 and public infrastructure constructed pursuant to sections 473.75 to 473.757, are exempt.
 1.25 This subdivision expires one year after the date that the first major league baseball game is
 1.26 played in the ballpark for materials, supplies, and equipment used in the ballpark, and five
 7 years after the issuance of the first bonds under section 473.755 for materials, supplies,
 1.28 and equipment used in the public infrastructure.

2.1 Sec. 2. [473.75] PURPOSE.

2.2 The purpose of this article is to provide for the construction, financing, and
 2.3 long-term use of a ballpark primarily as a venue for major league baseball. It is found and
 2.4 declared that the expenditure of public money for this purpose is necessary and serves
 2.5 a public purpose. It is further found and declared that any provision in a lease or use
 2.6 agreement with a major league team, that requires the team to play its home games in a
 2.7 publicly funded ballpark for the duration of the lease or use agreement, serves a unique
 2.8 public purpose for which the remedies of specific performance and injunctive relief are
 2.9 essential to its enforcement. It is further found and declared that government assistance to
 2.10 facilitate the presence of major league baseball provides to the state of Minnesota and its
 2.11 citizens highly valued intangible benefits that are virtually impossible to quantify and,
 2.12 therefore, not recoverable even if the government receives monetary damages in the event
 2.13 of a team's breach of contract. Minnesota courts are, therefore, charged with protecting
 2.14 those benefits through the use of specific performance and injunctive relief as provided
 2.15 herein and in the lease and use agreements.

2.16 Sec. 3. [473.751] DEFINITIONS.

2.17 Subdivision 1. Terms. As used in this article, the terms defined in this section
 2.18 have the meanings given them in this section, except as otherwise expressly provided or
 2.19 indicated by the context.

2.20 Subd. 2. Ballpark. "Ballpark" means the stadium suitable for major league baseball
 2.21 to be constructed and financed under this article.

2.22 Subd. 3. Ballpark costs. "Ballpark costs" means the cost of designing, constructing,
 2.23 and equipping a ballpark suitable for major league baseball. "Ballpark cost" excludes
 2.24 the cost of land acquisition, site improvements, utilities, site demolition, environmental
 2.25 remediation, railroad crash wall, site furnishings, landscaping, railroad right-of-way
 2.26 development, district energy, site graphics and artwork and other site improvements
 2.27 identified by the commission, public infrastructure, capital improvement reserves, bond
 2.28 reserves, capitalized interest, and financing costs.

2.29 Subd. 4. Development area. "Development area" means the area in the city of
 2.30 Minneapolis bounded by marked Interstate Highway 394, vacated Holden Street, the
 2.31 Burlington Northern right-of-way, Seventh Street North, Sixth Avenue North, and Fifth
 2.32 Street North.

2.33 Subd. 5. Public infrastructure. "Public infrastructure" means all property,
 2.34 facilities, and improvements determined by the commission to facilitate the development
 2.35 and use of the ballpark, including but not limited to property and improvements for

3.1 drainage, environmental remediation, parking, roadways, walkways, skyways, pedestrian
 3.2 bridges, bicycle paths, and transit improvements to facilitate public access to the ballpark,
 3.3 lighting, landscaping, utilities, streets, and land acquired and prepared for private
 3.4 redevelopment in a manner related to the use of the ballpark.

3.5 Subd. 6. Team. "Team" means the owner and operator of the baseball team
 3.6 currently known as the Minnesota Twins.

3.7 **Sec. 4. [473.752] LOCATION.**

3.8 The ballpark must be located in the city of Minneapolis at a site within the
 3.9 development area.

3.10 **Sec. 5. [473.753] CONSTRUCTION OF BALLPARK.**

3.11 Subdivision 1. Contracts. The commission may enter into a development agreement
 3.12 with the team or any other entity relating to the construction, financing, and use of the
 3.13 ballpark and related facilities and public infrastructure. The commission may contract
 3.14 for materials, supplies, and equipment in accordance with section 471.345, except that
 3.15 the commission may employ or contract with persons, firms, or corporations to perform
 3.16 one or more or all of the functions of architect, engineer, or construction manager with
 3.17 respect to all or any part of the ballpark and public infrastructure. Alternatively, at the
 3.18 request of the team, the commission shall authorize the team to provide for the design
 3.19 and construction of the ballpark, subject to terms of this article. The commission may
 3.20 also enter into agreements with Hennepin County or the city of Minneapolis relating to
 3.21 the design and construction of the public infrastructure with revenues available to the
 3.22 commission. The construction manager may enter into contracts with contractors for
 3.23 labor, materials, supplies, and equipment for the construction of the ballpark through the
 3.24 process of public bidding, except that the construction manager may, with the consent
 3.25 of the commission or the team:

3.26 (1) narrow the listing of eligible bidders to those that the construction manager
 3.27 determines to possess sufficient expertise to perform the intended functions;

3.28 (2) award contracts to the contractors that the construction manager determines
 3.29 provide the best value, which are not required to be the lowest responsible bidder; and

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

4.1 The commission may require that the construction manager certify, before the contract
4.2 is signed, a certified, fixed, and stipulated construction price and completion date to the
4.3 commission and post a bond in an amount at least equal to 100 percent of the certified
4.4 price, to cover any costs that may be incurred in excess of the certified price, including,
4.5 but not limited to, costs incurred by the commission or loss of revenues resulting from
4.6 incomplete construction on the completion date. The commission may secure surety bonds
4.7 as provided in section 574.26, securing payment of just claims in connection with all
4.8 public work undertaken by it. Persons entitled to the protection of the bonds may enforce
4.9 them as provided in sections 574.28 to 574.32, and are not be entitled to a lien on any
4.10 property of the commission under sections 514.01 to 514.16. Contracts for construction
4.11 and operation of the ballpark must include programs to provide for participation by small
4.12 local businesses and businesses owned by women and people of color, and the inclusion
4.13 of women and people of color in the workforces of contractors and ballpark operators.
4.14 The contracts must comply with all employment requirements applicable to city and state
4.15 contracts for construction, including requirements relating to the payment of prevailing
4.16 wages under sections 177.41 to 177.44.

4.17 Subd. 2. **Zoning and planning.** It is found and declared that the construction
4.18 of a ballpark within the development area is consistent with the adopted area plan, is
4.19 the preferred ballpark location, and is a permitted land use. Local units of government
4.20 may not impose restrictions or conditions on ballpark and public infrastructure land use
4.21 approvals except those that are based on reasonable land use grounds and criteria that are
4.22 within their jurisdiction to apply. This subdivision applies to establish a procedure for
4.23 all land use reviews and approvals by local governments for the ballpark and related
4.24 public infrastructure and supersedes all land use rules and restrictions and procedures
4.25 imposed by other law, charter, or ordinance. Section 15.99, subdivision 3, paragraphs
4.26 (f) and (g), does not apply. Within 60 days of the effective date of this article, the
4.27 city of Minneapolis and Hennepin County shall establish a ballpark implementation
4.28 committee with equal representation from the city of Minneapolis and Hennepin County
4.29 to make recommendations on street vacation, parking, roadways, walkways, skyways,
4.30 pedestrian bridges, bicycle paths, transit improvements to facilitate public street access to
4.31 the ballpark, and integration into the transportation plan for downtown and the region,
4.32 lighting, landscaping, utilities, streets, drainage, environmental remediation, and land
4.33 acquired and prepared for private redevelopment in a manner related to the use of
4.34 the ballpark. The recommendations of the committee must be forwarded to the city of
4.35 Minneapolis Planning Commission for an advisory recommendation and then to the city
4.36 council for action in a single resolution.

5.1 Subd. 3. Local government action; environmental review. Local governmental
5.2 units shall take action promptly and within project design and construction timetables on
5.3 applications for building permits and certificates of occupancy. The commission shall be
5.4 the responsible governmental unit for any environmental impact statement prepared under
5.5 section 116D.04. The commission may make decisions and take actions to acquire land
5.6 and obtain financing before completion of environmental review.

5.7 **Sec. 6. [473.754] CRITERIA AND CONDITIONS.**

5.8 Subdivision 1. Binding and enforceable. In developing the ballpark and entering
5.9 into related contracts, the commission must follow and enforce the criteria and conditions
5.10 in this section, provided that a determination by the commission that those criteria or
5.11 conditions have been met under any agreement or otherwise is conclusive.

5.12 Subd. 2. Team contributions. The team must agree to contribute at least
3 \$130,000,000 toward ballpark costs, plus 25 percent of the cost of adding a retractable
5.14 roof to the ballpark. The team contribution must be reduced by a proportionate share
5.15 of any amount by which actual ballpark costs may be less than a budgeted amount of
5.16 \$390,000,000, plus the costs of a retractable roof. The team contributions must be funded
5.17 in cash during the construction period. In addition to any other team contribution, the
5.18 team must agree to assume and pay when due all cost overruns for the ballpark costs that
5.19 exceed the budget, excluding land, site improvements, and public infrastructure.

5.20 Subd. 3. Reserve for capital improvements. The commission shall require
5.21 that a reserve fund for capital improvements to the stadium be established and funded
5.22 with annual team payments of \$1,000,000 and annual payments from other sources
3 of \$1,000,000. The annual payments must increase according to an inflation index
5.24 determined by the commission. The commission may accept contributions from any other
5.25 source for the portion of the funding not required to be provided by the team.

5.26 Subd. 4. Lease or use agreements. The commission and team must agree to a
5.27 long-term lease or use agreement with the team for its use of the ballpark. The team
5.28 must agree to play all regularly scheduled and postseason home games at the ballpark.
5.29 Preseason games may also be scheduled and played at the ballpark. The lease or use
5.30 agreement must be for a term of at least 30 years from the date of ballpark completion.
5.31 The lease or use agreement must include terms for default, termination, and breach of
5.32 the agreement. Recognizing that the presence of major league baseball provides to the
5.33 state of Minnesota and its citizens highly valued, intangible benefits that are virtually
5.35 impossible to quantify and, therefore, not recoverable in the event of a team owner's
breach of contract, the lease and use agreements must provide for specific performance

6.1 and injunctive relief to enforce provisions relating to use of the ballpark for major league
6.2 baseball and must not include escape clauses or buyout provisions.

6.3 Subd. 5. Notice requirement for certain events. Until 30 years from the date
6.4 of ballpark completion, the team must provide written notice to the commission not
6.5 less than 90 days before any action, including any action imposed upon the team by
6.6 Major League Baseball, which would result in a breach or default of provisions of the
6.7 lease or use agreements required to be included under subdivision 4. If this notice
6.8 provision is violated and the team has already breached or been in default under the
6.9 required provisions, the commission or the state may specifically enforce the lease or
6.10 use agreement, and Minnesota courts shall fashion equitable remedies so that the team
6.11 may fulfill the conditions of the lease and use agreements, including, but not limited to,
6.12 remedies against Major League Baseball.

6.13 Subd. 6. Enforceable financial commitments. The commission must determine
6.14 before ballpark construction begins that all public and private funding sources for
6.15 construction and operation of the ballpark are included in written agreements. The
6.16 committed funds must be adequate to design, construct, furnish, and equip the ballpark.

6.17 Subd. 7. Community ownership option. (a) The lease or use agreement for the
6.18 baseball facility must provide that if the owner of the baseball franchise seeks to sell the
6.19 franchise during the term of the agreement, the franchise must first be offered for sale to
6.20 the entity formed in compliance with paragraph (b) on the same terms offered to any other
6.21 entity. The offer to sell the franchise to this entity must remain open for at least one
6.22 year. The amounts that would otherwise be returned to the public under subdivision 10
6.23 may be used by an entity created under paragraph (b) to offset the cost of acquiring the
6.24 baseball franchise.

6.25 (b) The governor and the commission must attempt to facilitate the formation
6.26 of a corporation to acquire the baseball franchise and to identify an individual private
6.27 managing owner of the corporation. The corporation formed to acquire the franchise must
6.28 have a capital structure that complies with all of the following provisions:

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

6.32 (2) the private managing owner must own no less than 25 percent and no more than
6.33 35 percent of the common stock. For purposes of this restriction, shares of common stock
6.34 owned by the private managing owner include shares of commons stock owned by any
6.35 related taxpayer as defined in section 1313(c) of the Internal Revenue Code of 1986, as
6.36 amended. Other than the rights of all other holders of common stock and preferred stock

7.1 with respect to relocation of the franchise or voluntary contraction, the private managing
7.2 owner must control all aspects of the operation of the corporation;

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

7.5 (4) at least 50 percent of the ownership of the common stock must be sold to
7.6 members of the general public in a general solicitation and no person or entity may own
7.7 more than one percent of common stock of the corporation; and

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

7.14 (c) Except as specifically provided by this article, no state agency may spend money
7.15 from any state fund for the purpose of generating revenue under this subdivision or for the
7.16 purpose of providing operating support or defraying operating losses of a professional
7.17 baseball franchise.

7.18 Subd. 8. **Environmental requirements.** The commission must comply with all
7.19 environmental requirements imposed for the ballpark, site, and structure by regulatory
7.20 agencies.

7.21 Subd. 9. **Ballpark design.** (a) The ballpark must have a retractable roof.

7.22 (b) The commission must ensure that the ballpark receives Leadership in Energy and
7.23 Environmental Design (LEED) certification for environmental design, and to the extent
7.24 practicable, that the ballpark design is architecturally significant.

7.25 (c) The ballpark design must, to the extent feasible, follow sustainable building
7.26 guidelines established under section 16B.325.

7.27 (d) The commission must ensure that the ballpark be, to the greatest extent
7.28 practicable, constructed of American-made steel.

7.29 Subd. 10. **Public share upon sale of team.** The lease or use agreement must
7.30 provide that, if the team is sold after the effective date of this article, a portion of the sale
7.31 price must be paid to the authority and deposited in a reserve fund for improvements to
7.32 the ballpark or expended as the authority may otherwise direct. The portion required to
7.33 be so paid to the authority is 18 percent of the gross sale price, declining to zero ten
7.34 years after commencement of ballpark construction in increments of 1.8 percent each
7.35 year. The agreement shall provide exceptions for sales to members of the owner's family
7.36 and entities and trusts beneficially owned by family members, sales to employees of

8.1 equity interests aggregating up to ten percent, and sales related to capital infusions not
8.2 distributed to the owners.

8.3 Subd. 11. Access to books and records. The commission must seek a provision in
8.4 the lease or use agreement that provides the commission access to annual audited financial
8.5 statements of the team and other financial books and records that the commission deems
8.6 necessary to determine compliance by the team with this article and to enforce the terms
8.7 of any lease or use agreements entered into under this article. Any financial information
8.8 obtained by the commission under this subdivision is nonpublic data under section 13.02,
8.9 subdivision 9.

8.10 Subd. 12. Affordable access. To the extent determined by the commission or
8.11 required by a grant agreement, any lease or use agreement must provide for affordable
8.12 access to the professional sporting events held in the ballpark.

8.13 Subd. 13. No strikes or lockouts. The commission must use its best efforts to
8.14 negotiate a public sector project labor agreement or other agreement to prevent strikes and
8.15 lockouts that would halt, delay, or impede construction of the ballpark and related facilities.

8.16 Subd. 14. Youth and amateur sports. The lease or use agreement must require that
8.17 the team provide or cause to be provided \$250,000 annually for the term of the agreement
8.18 for youth activities and amateur sports without reducing the amounts otherwise normally
8.19 provided for and on behalf of the team for those purposes. The amount must increase
8.20 according to an inflation factor not to exceed 2.5 percent annually and may be subject to a
8.21 condition that the county fund grants for similar purposes as authorized by this article.

8.22 Subd. 15. Name retention. The lease or use agreement must provide that the
8.23 team and league will transfer to the state of Minnesota the Minnesota Twins' heritage
8.24 and records, including the name, logo, colors, history, playing records, trophies and
8.25 memorabilia in the event of any dissolution or relocation of the Twins franchise.

8.26 **Sec. 7. [473.755] FINANCING OF FACILITY.**

8.27 Subdivision 1. Public expenditures. The amount that the commission may grant or
8.28 expend for ballpark costs must not exceed \$475,000,000. The amount of any grant for
8.29 capital improvement reserves must not exceed \$1,000,000 annually, subject to annual
8.30 increases according to an inflation index acceptable to the commission. This section does
8.31 not limit the amount of grants or expenditures for land, site improvements, and public
8.32 infrastructure. A grant agreement is valid and enforceable notwithstanding that it involves
8.33 payments in future years and they do not constitute a debt of the commission within
8.34 the meaning of any constitutional or statutory limitation or for which a referendum is
8.35 required. The commission may acquire land, air rights, and other property interests within

9.1 the development area for the ballpark site and public infrastructure for development as a
9.2 ballpark, and acquire and construct any related public infrastructure. The commission may
9.3 review and approve ballpark designs, plans, and specifications to the extent provided in a
9.4 grant agreement and in order to ensure that the public purposes of the grant are carried
9.5 out. Public infrastructure designs must optimize area transit and bicycle opportunities,
9.6 including connections to planned or existing trails and transportation corridors, including
9.7 Central, Hiawatha, I-394, Northstar, Northwest, Red Rock, Rush Line, and Southwest. The
9.8 commission may enforce the provisions of any grant agreement by specific performance.
9.9 The commission may reimburse a local governmental entity within which the ballpark is
9.10 located or make a grant to such a governmental unit for site acquisition, preparation of the
9.11 site for ballpark development, and public infrastructure. Amounts expended by a local
9.12 governmental unit with the proceeds of a grant or in expectation of reimbursement by the
9.13 commission are not an expenditure or other use of local governmental resources by the
9.14 governmental unit within the meaning of any law or charter limitation.

9.15 Subd. 2. **Revenue bonds.** When the criteria and conditions set forth in section
9.16 473.754 have been met, the commission may, by resolution, authorize, sell, and issue
9.17 revenue bonds to provide money to finance all or a portion of the costs of site acquisition,
9.18 site improvements and other activities necessary to prepare a site for development of a
9.19 ballpark, to construct, improve, and maintain the ballpark and to establish and fund capital
9.20 improvement reserves, and to acquire and construct any related parking facilities and other
9.21 public infrastructure. The commission may also, by resolution, issue bonds to refund the
9.22 bonds issued under this section. The term of the bonds must be no longer than is necessary
9.23 to provide interim financing in anticipation of receipt of sufficient funds under section
9.24 473.131 to meet these costs. The bonds must be limited obligations, solely payable from
9.25 or secured by revenues to become available under this article and article 3. The bonds
9.26 may be issued in one or more series and sold without an election. The bonds must be sold
9.27 in the manner provided by section 475.60. The bonds shall be secured, bear the interest
9.28 rate or rates or a variable rate, have the rank or priority, be executed in the manner, be
9.29 payable in the manner, mature, and be subject to the defaults, redemptions, repurchases,
9.30 tender options, or other terms the commission may determine. The commission may enter
9.31 into and perform all contracts deemed necessary or desirable by it to issue and secure the
9.32 bonds, including an indenture of trust with a trustee within or without the state. The debt
9.33 represented by the bonds is not included in computing any debt limitation applicable to
9.34 the commission. Subject to this subdivision, the bonds must be issued and sold in the
9.35 manner provided in chapter 475. The bonds must recite that they are issued under this

10.1 section and the recital is conclusive as to the validity of the bonds and the imposition and
 10.2 pledge of the taxes levied for their payment.

10.3 Sec. 8. **[473.756] CITY REQUIREMENTS.**

10.4 Subdivision 1. **Third Avenue.** At the request of the commission, the city of
 10.5 Minneapolis shall vacate the portion of Third Avenue North from Seventh Street North to
 10.6 the intersection of Third Avenue North and the on-ramp to marked Interstate Highway 394
 10.7 without impeding on-ramp access.

10.8 Subd. 2. **Land conveyance.** At the request of the commission, the city of
 10.9 Minneapolis shall convey to the commission at fair market value all real property it owns
 10.10 that is located in the development area and is not currently used for road, sidewalk, or
 10.11 utility purposes and that the commission determines to be necessary for ballpark or public
 10.12 infrastructure purposes.

10.13 Subd. 3. **Liquor licenses.** The city of Minneapolis shall issue intoxicating liquor
 10.14 licenses that are reasonably requested for the premises of the ballpark. These licenses
 10.15 are in addition to the number authorized by law. All provisions of chapter 340A not
 10.16 inconsistent with this section apply to the licenses authorized under this subdivision.

10.17 Subd. 4. **Charter limitations.** Actions taken by the city of Minneapolis under this
 10.18 section are not an expenditure or other use of city resources within the meaning of any
 10.19 charter limitation.

10.20 Sec. 9. **[473.757] LOCAL TAXES.**

10.21 No local unit of government shall impose a new or additional tax on sales or uses
 10.22 of any item that is not in effect for the ballpark site on the effective date of this article,
 10.23 except taxes generally applicable throughout the jurisdiction.

10.24 Sec. 10. **REPEALER.**

10.25 Minnesota Statutes 2004, sections 272.02, subdivision 50; 297A.71, subdivision 31;
 10.26 473.5995, subdivision 2; 473I.01; 473I.02; 473I.03; 473I.04; 473I.05; 473I.06; 473I.07;
 10.27 473I.08; 473I.09; 473I.10; 473I.11; 473I.12; and 473I.13, are repealed.

10.28 Sec. 11. **EFFECTIVE DATE.**

10.29 This article is effective the day following final enactment.

ARTICLE 2
FOOTBALL STADIUM

11.1
11.2

11.3 Section 1. Minnesota Statutes 2004, section 297A.71, is amended by adding a
11.4 subdivision to read:

11.5 Subd. 38. Stadium construction materials and equipment exempt. Materials
11.6 and supplies used or consumed in, and equipment incorporated into the construction of
11.7 a National Football League stadium constructed under sections 473.76 to 473.768 are
11.8 exempt. The exemption under this subdivision terminates one year after the first National
11.9 Football League game is played in the stadium.

11.10 Sec. 2. [473.76] PURPOSE.

11.11 The legislature finds that construction of a new stadium that meets National Football
11.12 League programmatic requirements, with a retractable roof, in the city of Blaine, county
11.13 of Anoka, serves a public purpose. The legislature finds that the public purpose served
11.14 includes retaining the Minnesota Vikings as a part of Minnesota's public amenities for
11.15 its citizens and as a major attraction to visitors to the state, adding to the economic
11.16 development of the state, attracting revenue from out of the state, and preserving the
11.17 contributions of football to the culture of Minnesota and to the enjoyment of its citizens.
11.18 Further, the legislature finds that a National Football League stadium may be financed as a
11.19 public-private partnership between the state, the Minnesota Vikings, and other supporting
11.20 interests that may contribute to the construction of a football stadium and related facilities.
11.21 The legislature further finds that a new stadium should be coordinated with transportation
11.22 and transit plans and activities.

11.23 Sec. 3. [473.761] DEFINITIONS.

11.24 Subdivision 1. Terms. For the purposes of sections 473.76 to 473.768, the terms
11.25 defined in this section have the meanings given them in this section, except as otherwise
11.26 expressly provided or indicated by the context.

11.27 Subd. 2. Sports facilities. "Sports facilities" means the stadium, with a retractable
11.28 or fixed roof, adjoining structures related to the operation of the stadium, practice
11.29 facilities, including preseason training camp facilities, and other supporting infrastructure,
11.30 including parking.

11.31 Subd. 3. Stadium district. "Stadium district" means a district designated by the
11.32 commission that contains the National Football League stadium and consists of no more
11.33 than 740 contiguous acres surrounding the sports facilities.

12.1 Sec. 4. [473.762] LOCATION.

12.2 The new National Football League stadium must be located in the city of Blaine,
12.3 Anoka County, Minnesota.

12.4 Sec. 5. [473.763] CONSTRUCTION OF FOOTBALL STADIUM.

12.5 Subdivision 1. Construction manager. The commission and the Minnesota Vikings
12.6 shall jointly select a construction manager. With respect to the construction of the stadium,
12.7 the construction manager must:

12.8 (1) guarantee a maximum cost of construction; and
12.9 (2) provide payment and performance bonds or other security reasonably acceptable
12.10 to the commission in an amount equal to the guaranteed maximum cost of construction,
12.11 and must comply with all employment requirements applicable to city and state contracts
12.12 for construction, including requirements relating to the payment of prevailing wages under
12.13 sections 177.41 to 177.44. Contracts for construction and operation of the ballpark must
12.14 include programs to provide for participation by small local businesses and businesses
12.15 owned by women and people of color, and the inclusion of women and people of color
12.16 in the workforces of contractors and ballpark operators.

12.17 Subd. 2. Contracts. The lessee under the stadium lease or the construction manager
12.18 may enter into contracts with contractors for labor, materials, supplies, and equipment to
12.19 equip and construct the new stadium through the process of public bidding.

12.20 Subd. 3. Bids. The lessee or the construction manager may:

12.21 (1) limit the list of eligible bidders to those that the construction manager determines
12.22 possess sufficient expertise to perform the intended functions;

12.23 (2) award contracts to the contractors that the construction manager determines
12.24 provide the best value, which need not be the lowest responsible bidder; and

12.25 (3) for work the construction manager determines to be critical to the completion
12.26 schedule, the construction manager may award contracts on the basis of competitive
12.27 proposals or perform work with its own forces without soliciting competitive bids if the
12.28 construction manager provides evidence of competitive pricing.

12.29 Subd. 4. Design. The commission must ensure that the stadium receives Leadership
12.30 in Energy and Environmental Design (LEED) certification for environmental design, and
12.31 to the extent practicable, that the stadium design is architecturally significant.

12.32 Sec. 6. [473.764] CRITERIA AND CONDITIONS.

13.1 Subdivision 1. Requirement. The commission shall issue its bonds and construction
13.2 of the stadium may commence when the commission has completed the requirements
13.3 imposed under this section.

13.4 Subd. 2. Use agreement. The commission must execute a long-term use agreement
13.5 with the Minnesota Vikings, meeting the requirements of section 473.767.

13.6 Subd. 3. Development and financing agreement. The commission must execute
13.7 a development and financing agreement with the Minnesota Vikings meeting the
13.8 requirements of section 473.766.

13.9 Subd. 4. Sufficient funds. The commissioner must determine that the proceeds
13.10 of bonds authorized and provided for in section 473.765 will be sufficient, together
13.11 with other capital funds that may be available to the commission for expenditure on the
13.12 sports facilities, including, except as otherwise provided in this section, the acquisition,
13.13 clearance, relocation, and legal costs referred to in subdivisions 5 and 6.

13.14 Subd. 5. Acquisition of property. The commission must acquire title to or an
13.15 interest in all real property, including all easements, air rights, and other appurtenances
13.16 needed for the construction and operation of the sports facility or has received a grant of
13.17 money or has entered into agreements sufficient in the judgment of the commission to
13.18 assure the receipt of money, at the time and in the amount required, to make any payment
13.19 upon which the commission's acquisition of title or interest in and possession of the real
13.20 property is conditioned.

13.21 Subd. 6. Money for site preparation. The commission must receive a grant of
13.22 money or enter into agreements sufficient in the judgment of the commission to assure
13.23 the receipt of money, at the time and in the amount required, to pay all costs, except as
13.24 provided in this subdivision, of clearing the real property needed for the construction and
13.25 operation of the sports facilities, railroad tracks, and other structures, including, without
13.26 limitation, all relocation costs, all utility relocation costs, and all legal costs.

13.27 Subd. 7. Agreement prohibiting strikes. The commission must use its best efforts
13.28 to negotiate an agreement to prevent strikes and lockouts that would halt, delay, or impede
13.29 construction of the sports facilities.

13.30 Subd. 8. Construction agreements. The commission must execute agreements
13.31 that will provide for the construction of the sports facilities for a certified or guaranteed
13.32 construction price and completion date. The agreements must include performance bonds
13.33 in an amount at least equal to 100 percent of the certified or guaranteed price to cover any
13.34 costs that may be incurred over and above the certified price, including, but not limited
13.35 to, costs incurred by the commission or loss of revenues resulting from incomplete
13.36 construction on the completion date.

14.1 Subd. 9. Environmental requirements. The commission must ensure that
14.2 environmental requirements imposed for the sports facilities by regulatory agencies are
14.3 complied with.

14.4 Subd. 10. Adequacy of revenues. The commission must determine that the
14.5 anticipated revenue from the operation of the sports facilities, plus any additional available
14.6 revenue of the commission, will be an amount sufficient to pay when due all debt service
14.7 on the bonds issued under section 473.765, subdivision 1, plus all administration,
14.8 operating, and maintenance expense of the sports facilities.

14.9 Subd. 11. Committed funds. The commission must determine that all public and
14.10 private funding sources for construction and operation of the sports facilities are officially
14.11 committed in writing and enforceable. The committed funds must be adequate to site,
14.12 design, construct, furnish, equip, and service the sports facilities debt, as well as to pay
14.13 for the ongoing operation and maintenance of the stadium.

14.14 Subd. 12. Guaranty. The commission must ensure that a guaranty is in place in
14.15 a form satisfactory to the commission. The guaranty may be in the form of a letter of
14.16 credit, minimum net worth requirements, personal guaranties or other surety covering the
14.17 payments on terms determined by the commission's negotiations with the Minnesota
14.18 Vikings.

14.19 Subd. 13. Effect of determinations. The validity of any bonds issued under section
14.20 473.765, subdivision 1, clauses (1) and (2), and the obligation of the commission related
14.21 to them, must not be conditioned upon or impaired by the commission's determinations
14.22 made under this section. For purposes of issuing the bonds, the determinations made by
14.23 the commission shall be deemed conclusive and the commission shall be and remain
14.24 obligated for the security and payment of the bonds, irrespective of determinations that
14.25 may be erroneous, inaccurate, or otherwise mistaken.

14.26 **Sec. 7. [473.765] ISSUANCE OF BONDS.**

14.27 Subdivision 1. Bonds. The commission may by resolution authorize the sale and
14.28 issuance of its bonds for any or all of the following purposes:

14.29 (1) to provide money and pay costs to predesign, design, construct, furnish, equip,
14.30 and otherwise improve or better the sports facilities owned or to be owned by the
14.31 commission pursuant to this article, including construction of a retractable roof, and
14.32 to finance acquisition of right-of-way and construction and reconstruction of Interstate
14.33 Highway 35W and other trunk highways in Anoka County to improve access to the
14.34 stadium;

15.1 (2) to establish a reserve fund or funds for the bonds and to pay costs of issuance
15.2 of the bonds;

15.3 (3) to refund bonds issued under this section; and

15.4 (4) to fund judgments entered by court against the commission in matters relating to
15.5 the commission's functions related to the sports facilities.

15.6 Subd. 2. Procedure. The bonds must be sold, issued, and secured on the terms
15.7 and conditions the commission determines to be in the best interests of the commission,
15.8 except as otherwise provided in sections 473.76 to 473.768. The bonds may be sold at
15.9 any price and at public or private sale as determined by the commission. They shall be
15.10 payable solely from revenues referred to in sections 473.76 to 473.768. The bonds are not
15.11 a general obligation or debt of the commission or any city, county, or the state, and shall
15.12 not be included in the net debt of any city, county, or other subdivision of the state for the
15.13 purpose of any net debt limitation. No election is required.

15.14 Subd. 3. Limitations. The principal amount of bonds issued by the authority under
15.15 subdivision 1, clauses (1) and (2), must not exceed \$510,000,000 plus the amounts
15.16 necessary to fund appropriate reserves, capitalized interest, bond insurance, and to pay
15.17 issuance costs. The term of the bonds must be no longer than is necessary to provide
15.18 interim financing in anticipation of receipt of sufficient funds under section 473.131 for
15.19 the purposes of subdivision 1, clauses (1) and (2).

15.20 Subd. 4. Security. To the extent and in the manner provided in sections 473.76 to
15.21 473.768, the revenues of the commission described in this article, and any other revenues
15.22 of the commission attributable to the sports facilities, including teams' contributions, must
15.23 be and remain pledged and appropriated to the commission as appropriate for the payment
15.24 of all necessary and reasonable expenses of the operation, administration, maintenance
15.25 of the sports facilities, and debt service on the bonds until all bonds or certificates of
15.26 indebtedness issued under sections 473.76 to 473.768 are fully paid or discharged in
15.27 accordance with law. Bonds issued under sections 473.76 to 473.768 may be secured by a
15.28 bond resolution, or by a trust indenture entered into by the commission with a corporate
15.29 trustee within or outside the state, which must define the revenue and team contributions,
15.30 and other sports facilities revenues pledged for the payment and security of the bonds. The
15.31 pledge is a valid charge on the revenues referred to in this article from the date when bonds
15.32 are first issued or secured under the resolution or indenture and shall secure the payment
15.33 of principal and interest and redemption premiums when due and the maintenance at all
15.34 times of a reserve or reserves securing payments. No mortgage of or security interest in
15.35 any tangible real or personal property may be granted to the bondholders or the trustee,
15.36 but they shall have a valid security interest in all tax and other revenues received and

16.1 accounts receivable by the commission under this article, as against the claims of all other
 16.2 persons in tort, contract, or otherwise, irrespective of whether the parties have notice of
 16.3 the claims, and without possession or filing as provided in the Uniform Commercial
 16.4 Code or any other law. In the bond resolution or trust indenture, the commission may
 16.5 make covenants, which shall be binding upon the commission, that are determined to be
 16.6 usual and reasonably necessary for the protection of the bondholders. No pledge may be
 16.7 revoked or amended by law or by action of the commission except in accordance with
 16.8 the terms of the bond resolution or indenture under which the bonds are issued, until the
 16.9 obligations of the commission are fully discharged.

16.10 Subd. 5. **No full faith and credit.** Any bonds or other obligations issued by the
 16.11 commission under sections 473.76 to 473.768 are not public debt of the state, and the full
 16.12 faith and credit and taxing powers of the state are not pledged for their payment or of any
 16.13 payments that the state agrees to make under this article.

16.14 Subd. 6. **Taxability of interest on bonds.** The bonds authorized by this section
 16.15 may be issued whether or not the interest to be paid on them is gross income for federal
 16.16 tax purposes, provided that the commission must make an effort to arrange the financing
 16.17 for the project in a manner that would allow the interest to be tax-exempt to the greatest
 16.18 extent possible.

16.19 **Sec. 8. [473.766] DEVELOPMENT AND FINANCING AGREEMENT.**

16.20 Subdivision 1. **Agreement required.** Prior to commencement of construction, the
 16.21 commission must negotiate and enter into an agreement with Anoka County, the city of
 16.22 Blaine, and the Minnesota Vikings concerning the terms and conditions under which
 16.23 the parties will make contributions of money, future revenues, interests in property for
 16.24 the site and public infrastructure, the method of completing design and construction,
 16.25 which may include the design build process, the integration of the stadium and related
 16.26 infrastructure with surrounding development, and other matters relating to the stadium,
 16.27 its operation, maintenance, and financing. This agreement must, at a minimum, meet
 16.28 the requirements of this section.

16.29 Subd. 2. **Total public investment towards stadium project costs.** The total public
 16.30 investment shall not exceed \$510,000,000, of which \$395,000,000 is for stadium project
 16.31 costs and \$115,000,000 is for offsite infrastructure. As used in this section, "stadium
 16.32 project costs" includes the costs of the following:

16.33 (1) acquisition of land needed for the stadium structure and related parking and
 16.34 infrastructure;

16.35 (2) design and construction of the stadium and related infrastructure;

17.1 (3) finished space and fixtures, furniture, and equipment within the stadium project
 17.2 for the Minnesota Vikings, concessions and suites; and

17.3 (4) land, design, construction, fixtures, furniture, and equipment for the Minnesota
 17.4 Vikings indoor practice facility and exhibition hall.

17.5 The extent of the expenditures under this section is subject to the agreement of
 17.6 the Minnesota Vikings. Expenditures for finishing and equipping the space within the
 17.7 stadium for the Minnesota Vikings is subject to a per square foot maximum agreed to
 17.8 by the commission and the team.

17.9 Subd. 3. **Team contribution.** The team must contribute at least \$280,000,000
 17.10 to the sports facility costs. Team contributions may include, but are not limited to,
 17.11 contribution of land, initial cash contributions, and cash equivalent to the net present
 17.12 value of guaranteed annual payments and assignments of naming rights and permanent
 17.13 seat licenses. Team contributions do not include payments of operating and maintenance
 17.14 expenses for the stadium, which must be made by the team. In addition to any other team
 17.15 contribution, the team must assume and pay when due all cost overruns for the stadium.

17.16 **Sec. 9. [473.767] USE AGREEMENT.**

17.17 Subdivision 1. **Requirement.** Prior to the issuance of bonds under section 473.765,
 17.18 the commission must have entered into an agreement with the Minnesota Vikings and the
 17.19 National Football League meeting the requirements of this section.

17.20 Subd. 2. **Agreement with Minnesota Vikings.** The commission shall enter into a
 17.21 use agreement with the Minnesota Vikings that, at a minimum, provides for the following:

17.22 (1) the Minnesota Vikings will use the stadium for all scheduled home preseason,
 17.23 regular season, and postseason games that the team is entitled to play at home for a term
 17.24 of not less than 30 years;

17.25 (2) the agreement must include terms for default, termination, and breach of
 17.26 agreement; and

17.27 (3) the agreement must require specific performance and must not include escape
 17.28 clauses or buyout provisions.

17.29 Subd. 3. **Agreement with national football league.** The commission shall enter
 17.30 into an agreement with the National Football League guaranteeing the continuance of the
 17.31 Minnesota Vikings in the metropolitan area for the period of the agreements referred to in
 17.32 subdivision 2, clause (1).

33 **Sec. 10. [473.768] LIQUOR LICENSES.**

18.1 The city of Blaine may issue one or more intoxicating liquor licenses for the
 18.2 stadium. These licenses are in addition to the number authorized by law. All provisions
 18.3 of chapter 340A not inconsistent with this subdivision apply to the licenses authorized
 18.4 under this subdivision.

18.5 **Sec. 11. EFFECTIVE DATE.**

18.6 This article is effective the day following final enactment.

18.7 **ARTICLE 3**
 18.8 **SPORTS FACILITIES FINANCING AND GOVERNANCE**

18.9 **Section 1. [473.131] METROPOLITAN AREA SALES AND USE TAXES.**

18.10 Subdivision 1. **Sales and use tax authorized.** Notwithstanding section 477A.016
 18.11 or any other provision of law, ordinance, or city charter, if approved by a majority of the
 18.12 voters in the metropolitan area at an election described in section 19, the council shall
 18.13 impose by resolution a sales and use tax at a rate of one-half of one percent on sales
 18.14 and uses in the metropolitan area for the purposes specified in subdivision 2. Except
 18.15 as otherwise provided in this section, the provisions of section 297A.99 govern the
 18.16 imposition, administration, collection, and enforcement of the tax authorized under this
 18.17 subdivision.

18.18 Subd. 2. **Use of revenues.** (a) The proceeds remitted to the Metropolitan Council
 18.19 under this section must be used by the council as follows:

18.20 (1) one-half must be distributed to the Metropolitan Sports Facilities Commission to
 18.21 be used to finance a new ballpark for the use of the Minnesota Twins, including public
 18.22 infrastructure costs, ballpark costs, capital improvements to the ballpark, operating
 18.23 expenses of the commission, and payment of debt service on obligations issued under
 18.24 article 1, and a new stadium for the use of the Minnesota Vikings; and

18.25 (2) one-half to be used by the council for implementation of the public transit
 18.26 components of the council's 2030 transportation policy plan, and for other public transit
 18.27 operations and capital improvements provided or assisted by the council in counties in the
 18.28 metropolitan transportation area.

18.29 (b) When sufficient revenues to complete construction of the stadium and ballpark
 18.30 and to provide for payment of the costs described in paragraph (a), clause (1), have been
 18.31 raised from the tax under this section and all other revenues available for those projects,
 18.32 the full amount of the revenues from the tax must be used for purposes of paragraph
 18.33 (a), clause (2).

19.1 Subd. 3. Exemption to tax limitations. The tax imposed under this section is
 19.2 not included in determining whether the total tax on lodging in the city of Minneapolis
 19.3 exceeds the maximum allowed tax under Laws 1986, chapter 396, section 5, as amended
 19.4 by Laws 2001, First Special Session chapter 5, article 12, section 87, or in determining a
 19.5 tax that may be imposed under any other limitations.

19.6 Subd. 4. Stadium financing. The Metropolitan Sports Facilities Commission must
 19.7 allocate the revenues provided under subdivision 2, paragraph (a), clause (1), in a manner
 19.8 that provides for timely completion of both sports facilities, with the ballpark having first
 19.9 priority in time, and that minimizes the cost of borrowing for construction of the facilities.
 19.10 The commission must consult with the Minnesota Twins and the Minnesota Vikings in
 19.11 developing the plan for timing of the projects.

19.12 Sec. 2. Minnesota Statutes 2004, section 473.551, subdivision 1, is amended to read:

19.13 Subdivision 1. **Terms.** For the purposes of sections 473.551 to 473.599 and 473.75
 19.14 to 473.768, the following terms shall have the meanings given in this section.

19.15 Sec. 3. Minnesota Statutes 2004, section 473.551, subdivision 8, is amended to read:

19.16 Subd. 8. **Sports facility or sports facilities.** "Sports facility" or "sports facilities"
 19.17 means real or personal property comprising a stadium, stadiums, or arenas suitable
 19.18 for university or major league professional baseball, for university or major league
 19.19 professional football and soccer, or for both, or for university or major league hockey or
 19.20 basketball, or for both, together with adjacent parking facilities, including on the effective
 19.21 date of Laws 1994, chapter 648, the metrodome, the met center, ~~and,~~ upon acquisition by
 19.22 the commission, the basketball and hockey arena; the ballpark provided under sections
 19.23 473.75 to 473.757; and the stadium provided under sections 473.76 to 473.768.

19.24 Sec. 4. Minnesota Statutes 2004, section 473.551, is amended by adding a subdivision
 19.25 to read:

19.26 Subd. 18. **Ballpark.** "Ballpark" is the sports facility located in the city of
 19.27 Minneapolis used primarily as a venue for playing major league baseball, constructed and
 19.28 financed under sections 473.75 to 473.757.

19.29 Sec. 5. Minnesota Statutes 2004, section 473.551, is amended by adding a subdivision
 19.30 to read:

20.1 Subd. 19. **Football stadium.** "Football stadium" is the sports facility located in the
 20.2 city of Blaine used primarily as a venue for playing major league professional football,
 20.3 constructed and financed under sections 473.76 to 473.768.

20.4 Sec. 6. Minnesota Statutes 2004, section 473.553, subdivision 2, is amended to read:

20.5 Subd. 2. **Membership.** The commission shall consist of ~~six~~two members; appointed
 20.6 by the governor, both of whom must reside in a metropolitan county other than Anoka or
 20.7 Hennepin, one member appointed by the city council of the city ~~in which the stadium is~~
 20.8 ~~located~~ of Blaine, one member appointed by the city council of the city of Minneapolis,
 20.9 two members appointed by the Anoka County Board, two members appointed by the
 20.10 Hennepin County Board, plus a chair appointed as provided in subdivision 3. The terms
 20.11 of all members of the commission on the date of enactment of this act terminate, and
 20.12 the terms of all members under this subdivision as amended under this act begin, on
 20.13 September 1, 2006. The members appointed by the governor, including the chair, are
 20.14 subject to confirmation by the senate.

20.15 Sec. 7. Minnesota Statutes 2004, section 473.553, subdivision 3, is amended to read:

20.16 Subd. 3. **Chair.** The chair shall be appointed by the governor as ~~the ninth~~a voting
 20.17 member and shall meet all of the qualifications of a member, ~~except the chair need~~
 20.18 ~~only reside outside the city of Minneapolis.~~ The chair shall preside at all meetings of
 20.19 the commission, if present, and shall perform all other duties and functions assigned by
 20.20 the commission or by law. The commission may appoint from among its members a
 20.21 vice-chair to act for the chair during temporary absence or disability.

20.22 Sec. 8. Minnesota Statutes 2004, section 473.553, subdivision 4, is amended to read:

20.23 Subd. 4. **Qualifications.** A member shall not during a term of office hold the office
 20.24 of Metropolitan Council member or be a member of another metropolitan agency or hold
 20.25 any judicial office or office of state government. ~~None of the members appointed by the~~
 20.26 ~~city council of the city in which the stadium is located shall be an elected public official of~~
 20.27 ~~that city or of another political subdivision any part of whose territory is shared with that~~
 20.28 ~~city.~~ Each member shall qualify by taking and subscribing the oath of office prescribed by
 20.29 the Minnesota Constitution, article V, section 6. The oath, duly certified by the official
 20.30 administering it, shall be filed with the chair of the Metropolitan Council.

20.31 Sec. 9. Minnesota Statutes 2004, section 473.553, subdivision 5, is amended to read:

21.1 Subd. 5. **Terms.** The initial terms of three the members appointed by the governor
 21.2 and one of the members appointed by each of the county boards in 2006 shall end the
 21.3 first Monday in January in the year ending in the numeral "5" 2010. The terms of the
 21.4 other members and the chair shall end the first Monday in January ~~in the year ending in~~
 21.5 ~~the numeral "7" 2012.~~ Thereafter, the term of each member and the chair shall be four
 21.6 years. The terms shall continue until a successor is appointed and qualified. Members
 21.7 may be removed only for cause.

21.8 Sec. 10. Minnesota Statutes 2004, section 473.556, subdivision 3, is amended to read:

21.9 Subd. 3. **Acquisition of property.** The commission may acquire by lease, purchase,
 21.10 gift, or devise all necessary right, title, and interest in and to real or personal property
 21.11 deemed necessary to the purposes contemplated by sections 473.551 to 473.599 and
 21.12 473.75 to 473.768 within the limits of the metropolitan area.

21.13 Sec. 11. Minnesota Statutes 2004, section 473.556, subdivision 4, is amended to read:

21.14 Subd. 4. **Exemption of property.** (a) Except as otherwise provided in this
 21.15 subdivision, any real or personal property acquired, owned, leased, controlled, used,
 21.16 or occupied by the commission for any of the purposes of sections 473.551 to 473.599
 21.17 and 473.75 to 473.768 is declared to be acquired, owned, leased, controlled, used and
 21.18 occupied for public, governmental, and municipal purposes, and shall be exempt from
 21.19 ad valorem taxation by the state or any political subdivision of the state, provided that
 21.20 such properties shall be subject to special assessments levied by a political subdivision for
 21.21 a local improvement in amounts proportionate to and not exceeding the special benefit
 21.22 received by the properties from the improvement. No possible use of any such properties
 21.23 in any manner different from their use under sections 473.551 to 473.599 or 473.75 to
 21.24 473.768 at the time shall be considered in determining the special benefit received by the
 21.25 properties. All assessments shall be subject to final confirmation by the council, whose
 21.26 determination of the benefits shall be conclusive upon the political subdivision levying the
 21.27 assessment. Notwithstanding the provisions of section 272.01, subdivision 2, or 273.19,
 21.28 real or personal property leased by the commission to another person for uses related to
 21.29 the purposes of sections 473.551 to 473.599 or 473.75 to 473.768, including the operation
 21.30 of the metro dome, met center, and, if acquired by the commission, the basketball and
 21.31 hockey arena shall be exempt from taxation regardless of the length of the lease. The
 21.32 provisions of this subdivision, insofar as they require exemption or special treatment, shall
 21.33 not apply to any real property comprising the met center, the ballpark, or the football
 21.34 stadium, which is leased by the commission for residential, business, or commercial

22.1 development or other purposes different from those contemplated in sections 473.551 to
22.2 473.599 or 473.75 to 473.768, as applicable.

22.3 (b) For the football stadium, this exemption includes concessions, suites, locker
22.4 rooms, and clubhouse facilities in the stadium and parking facilities on the stadium site,
22.5 but does not include team offices.

22.6 Sec. 12. Minnesota Statutes 2004, section 473.556, subdivision 5, is amended to read:

22.7 Subd. 5. **Facility operation.** (a) The commission may equip, improve, operate,
22.8 manage, maintain, and control the Metrodome, Met Center, basketball and hockey arena
22.9 and sports facilities constructed, remodeled, or acquired under the provisions of sections
22.10 473.551 to 473.599 and, to the extent provided in the applicable use agreements, 473.75 to
22.11 473.768.

22.12 (b) The commission must seek to promote and maximize the use of the sports
22.13 facilities for uses in addition to that by the team for which it was constructed.

22.14 Sec. 13. Minnesota Statutes 2004, section 473.556, subdivision 6, is amended to read:

22.15 Subd. 6. **Disposition of property.** (a) The commission may sell, lease, or otherwise
22.16 dispose of any real or personal property acquired by it which is no longer required for
22.17 accomplishment of its purposes. The property shall be sold in accordance with the
22.18 procedures provided by section 469.065, insofar as practical and consistent with sections
22.19 473.551 to 473.599 and 473.75 to 473.768, except as provided in paragraph (c).

22.20 (b) The proceeds from the sale of any real property at the metropolitan sports area
22.21 shall be paid to the council and used for debt service or retirement.

22.22 (c) The sale or disposition of property acquired in connection with the ballpark is
22.23 not subject to the requirements of section 469.065, subdivisions 6 and 7. Title to the
22.24 ballpark shall not otherwise be transferred or sold without approval by a law enacted
22.25 by the legislature.

22.26 Sec. 14. Minnesota Statutes 2004, section 473.556, subdivision 12, is amended to read:

22.27 Subd. 12. **Use agreements.** The commission may lease, license, or enter into
22.28 agreements and may fix, alter, charge, and collect rentals, fees, and charges to all persons
22.29 for the use, occupation, and availability of part or all of any premises, property, or
22.30 facilities under its ownership, operation, or control for purposes that will provide athletic,
22.31 educational, cultural, commercial or other entertainment, instruction, or activity for the
22.32 citizens of the metropolitan area. Any such use agreement may provide that the other
22.33 contracting party shall have exclusive use of the premises at the times agreed upon. The

23.1 agreement related to the ballpark may provide that the other contracting party has the
 23.2 right to retain all revenues from ticket sales, suite licenses, concessions, advertising,
 23.3 naming rights, and other revenues derived from the ballpark. The lease or use agreement
 23.4 with a team using the ballpark must provide for the payment by the team of operating
 23.5 and maintenance costs and expenses and provide other terms the commission and team
 23.6 agree to.

23.7 Sec. 15. Minnesota Statutes 2004, section 473.556, subdivision 17, is amended to read:

23.8 Subd. 17. **Creating a condominium.** The commission may, by itself or together
 23.9 with the Minneapolis Community Development Agency and any other person, as to real
 23.10 or personal property comprising or appurtenant or ancillary to the basketball and hockey
 23.11 arena and the health club, the ballpark, or the football stadium, act as a declarant and
 23.12 establish a condominium or leasehold condominium under chapter 515A or a common
 23.13 interest community or leasehold common interest community under chapter 515B, and
 23.14 may grant, establish, create, or join in other or related easements, agreements and similar
 23.15 benefits and burdens that the commission may deem necessary or appropriate, and exercise
 23.16 any and all rights and privileges and assume obligations under them as a declarant, unit
 23.17 owner or otherwise, insofar as practical and consistent with sections 473.551 to 473.599.
 23.18 The commission may be a member of an association and the chair, any commissioners and
 23.19 any officers and employees of the commission may serve on the board of an association
 23.20 under chapter 515A or 515B.

23.21 Sec. 16. Minnesota Statutes 2004, section 473.556, is amended by adding a subdivision
 23.22 to read:

23.23 Subd. 18. **Web site.** The commission shall establish a Web site to provide
 23.24 information to the public concerning all actions taken by the commission. At a minimum,
 23.25 the Web site must contain a current version of the commission's bylaws, notices of
 23.26 upcoming meetings, minutes of the commission's meetings, and contact telephone and fax
 23.27 numbers for public comments.

23.28 Sec. 17. Minnesota Statutes 2004, section 473.561, is amended to read:

23.29 **473.561 EXEMPTION FROM COUNCIL REVIEW.**

23.30 The acquisition and betterment of sports facilities by the commission shall be
 23.31 conducted pursuant to sections 473.551 to 473.599 and 473.75 to 473.768 and shall not be
 23.32 affected by the provisions of sections 473.165 and 473.173. Minnesota Statutes, section

24.1 116J.994, does not apply to any transactions of the commission or any other governmental
24.2 entity related to the ballpark or its related public infrastructure.

24.3 **Sec. 18. [473.5996] PROCEEDS OF METRODOME SALE.**

24.4 Upon sale of the Metrodome, the Metropolitan Sports Facilities Commission must
24.5 transfer the net sales proceeds less costs of demolitions, if any, to the Metropolitan
24.6 Council for use to fund transit improvements.

24.7 **Sec. 19. ELECTION.**

24.8 The secretary of state, in cooperation with the county auditors of the metropolitan
24.9 area, shall conduct a special election in the metropolitan area at the time of the general
24.10 election the Tuesday after the first Monday in November 2006. The following questions
24.11 shall appear on the ballot:

24.12 "Shall an additional tax of one-half of one percent be imposed on sales and uses in
24.13 the metropolitan area to pay for a ballpark, a football stadium, and public transit operations
24.14 and improvements in the metropolitan area?"

24.15 If a majority of the electors voting on the question answer the question in the
24.16 affirmative, the Metropolitan Council shall impose the tax described in Minnesota
24.17 Statutes, section 473.131.

24.18 **Sec. 20. REPEALER.**

24.19 Minnesota Statutes 2004, section 473.553, subdivision 14, is repealed.

24.20 **Sec. 21. APPLICATION.**

24.21 This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
24.22 Scott, and Washington.

24.23 **Sec. 22. EFFECTIVE DATE.**

24.24 This article is effective the day following final enactment.