

**SENATE**  
**STATE OF MINNESOTA**  
**NINETIETH SESSION**

**S.F. No. 626**

(SENATE AUTHORS: ROSEN, Kiffmeyer and Nelson)

DATE	D-PG	OFFICIAL STATUS
02/06/2017	513	Introduction and first reading Referred to State Government Finance and Policy and Elections
02/15/2017	613	Author added Nelson
03/06/2017	1053a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety Finance and Policy
03/10/2017		HF substituted in committee HF778

1.1 A bill for an act

1.2 relating to the Minnesota Sports Facilities Authority; classifying data; providing

1.3 for appointments; modifying duties; restricting the use of stadium space; requiring

1.4 reports; amending Minnesota Statutes 2016, sections 13.55, subdivision 2; 473J.03,

1.5 by adding a subdivision; 473J.07, subdivisions 2, 3, 4, 7, 8, 9, by adding a

1.6 subdivision; 473J.09, by adding subdivisions; repealing Minnesota Statutes 2016,

1.7 section 473J.09, subdivision 14.

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

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

1.10 Subd. 2. **Public data.** (a) The data made not public by the provisions of subdivision 1

1.11 shall become public upon the occurrence of any of the following:

1.12 ~~(a)~~ (1) five years elapse from the date on which the lease or contract is entered into

1.13 between the facility and the inquiring party or parties or the event which was the subject of

1.14 inquiry occurs at the facility, whichever occurs earlier;

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

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

1.17 (b) Data regarding persons receiving free or discounted admission, tickets, or other gifts

1.18 from publicly owned and operated convention facilities, civic center authorities, or the

1.19 Minnesota Sports Facilities Authority are public data unless the data are subject to the

1.20 provisions of subdivision 1 or 4, paragraph (b).

2.1 Sec. 2. Minnesota Statutes 2016, section 473J.03, is amended by adding a subdivision to  
2.2 read:

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

2.6 Sec. 3. Minnesota Statutes 2016, section 473J.07, subdivision 2, is amended to read:

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

2.8 (b) The ~~chair and two~~ three members shall be appointed by the governor and confirmed  
2.9 by the senate. One member appointed by the governor shall serve until December 31 of the  
2.10 third year following appointment and one member shall serve until December 31 of the  
2.11 fourth year following appointment. Thereafter, members appointed by the governor shall  
2.12 serve four-year terms, beginning January 1. Each member serves until a successor is  
2.13 appointed and takes office unless removed by the appointing authority for cause. Cause for  
2.14 removal includes violation of the employee code of ethics in section 43A.38. The chair  
2.15 serves at the pleasure of the governor.

2.16 (c) The mayor of the city shall appoint two members to the authority. One member  
2.17 appointed by the mayor of the city and confirmed by the senate shall serve until December  
2.18 31 of the third year following appointment and one member shall serve until December 31  
2.19 of the fourth year following appointment. Thereafter, members appointed under this  
2.20 paragraph shall serve four-year terms beginning January 1. Each member serves until a  
2.21 successor is appointed and takes office unless removed by the appointing authority for  
2.22 cause. Cause for removal includes violation of the employee code of ethics in section 43A.38.  
2.23 Members appointed under this paragraph may reside within the city and may be appointed  
2.24 officials of a political subdivision.

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

2.26 Sec. 4. Minnesota Statutes 2016, section 473J.07, subdivision 3, is amended to read:

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

3.1 Sec. 5. Minnesota Statutes 2016, section 473J.07, subdivision 4, is amended to read:

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

3.7 Sec. 6. Minnesota Statutes 2016, section 473J.07, subdivision 7, is amended to read:

3.8 Subd. 7. **Audit.** The legislative auditor shall audit the books and accounts of the authority  
3.9 once each year or as often as the legislative auditor's funds and personnel permit. The  
3.10 authority shall pay the total cost of the audit pursuant to section 3.9741. The legislative  
3.11 auditor may conduct examinations of the authority's finances, budgets, expenditures,  
3.12 revenues, and its operation. The legislative auditor may periodically examine the authority's  
3.13 use of stadium space by the authority's members, staff, family, friends, and vendors.

3.14 Sec. 7. Minnesota Statutes 2016, section 473J.07, subdivision 8, is amended to read:

3.15 Subd. 8. **Executive director; employees.** The authority may appoint an executive director  
3.16 to serve as the chief executive officer of the authority. The executive director serves at the  
3.17 pleasure of the authority and receives compensation as determined by the authority but not  
3.18 to exceed 115 percent of the governor's salary. The executive director may be responsible  
3.19 for the operation, management, and promotion of activities of the authority, as prescribed  
3.20 by the authority. The executive director has the powers necessarily incident to the  
3.21 performance of duties required and powers granted by the authority, but does not have  
3.22 authority to incur liability or make expenditures on behalf of the authority without general  
3.23 or specific directions by the authority, as shown by the bylaws or minutes of a meeting of  
3.24 the authority. The executive director is responsible for hiring, supervision, and dismissal  
3.25 of all other employees of the authority. The authority must conduct an annual employee  
3.26 evaluation of the executive director, which must be reviewed and approved by the entire  
3.27 board.

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

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

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

4.2 Subd. 9. **Web site.** The authority shall establish a Web site for purposes of providing  
4.3 information to the public concerning all actions taken by the authority. At a minimum, the  
4.4 Web site must contain a current version of the authority's bylaws, notices of upcoming  
4.5 meetings, minutes of the authority's meetings, each annual budget, each use agreement,  
4.6 each management agreement, each sponsorship agreement, meeting minutes for all meetings,  
4.7 policies, and procedures, and contact telephone, electronic mail, and facsimile numbers for  
4.8 public comments.

4.9 Sec. 10. Minnesota Statutes 2016, section 473J.09, is amended by adding a subdivision  
4.10 to read:

4.11 Subd. 15. **Annual performance reports to the legislature.** The authority must submit  
4.12 annual performance reports to the chair and ranking minority member of the Legislative  
4.13 Commission on Minnesota Sports Facilities and to the chairs and ranking minority members  
4.14 of the senate Finance Committee and the house of representatives Ways and Means  
4.15 Committee.

4.16 Sec. 11. Minnesota Statutes 2016, section 473J.09, is amended by adding a subdivision  
4.17 to read:

4.18 Subd. 16. **Use of stadium space by authority members.** Authority members may not  
4.19 use stadium space unless the use is for a legitimate business purpose. Legitimate business  
4.20 purposes are:

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

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

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

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

4.27 Subd. 17. **Use of stadium space by staff members.** The executive director may not use  
4.28 stadium space unless the use is for a legitimate business purpose and is approved by a vote  
4.29 of the authority at a public meeting, and the legitimate business purpose is made a part of  
4.30 the public record. Stadium space may not be used by the authority's staff members, other  
4.31 than the executive director, unless the use is with the express written assignment of duties

5.1 by the executive director. Staff may not receive free food or beverages and may not receive  
5.2 free parking unless necessary to complete the assigned duties.

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

5.5 Subd. 18. **Use of stadium space by family and friends of authority members.** The  
5.6 authority or its members may not grant access to stadium space to family members or friends  
5.7 of the authority's members or staff unless the use is for a legitimate business purpose and  
5.8 is approved by a vote of the authority at a public meeting, and the legitimate business purpose  
5.9 is made a part of the public record. A legitimate business purpose under this subdivision  
5.10 means being a prospective user of the stadium.

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

5.13 Subd. 19. **Use of stadium space by marketing vendor.** If the authority contracts with  
5.14 a vendor for services to market the stadium, the authority may extend to the marketing  
5.15 vendor complimentary access to stadium space for the purpose of marketing the stadium to  
5.16 prospective users of the stadium, provided the contract requires the vendor to report to the  
5.17 authority the following information within 30 days after each event at which the vendor has  
5.18 used stadium space:

5.19 (1) the costs of use;

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

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

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

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

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

5.28 Subd. 20. **Use of suite for charitable purposes.** The Minnesota Sports Facilities  
5.29 Authority must make all suites to which the authority has access during NFL team stadium  
5.30 events under its use agreement with an NFL team, except for one suite, available to charitable

6.1 organizations organized under section 501(c)(3) of the Internal Revenue Code for use during  
 6.2 team stadium events.

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

6.5 Subd. 21. **Report on stadium space use by authority members, staff, and vendors.**  
 6.6 The authority shall report the following information annually to the governor, the mayor of  
 6.7 the city of Minneapolis, the chair of the Legislative Commission on Minnesota Sports  
 6.8 Facilities, and the chairs and ranking minority members of the senate Finance Committee  
 6.9 and the house of representatives Ways and Means Committee regarding use of stadium  
 6.10 space by authority members, staff, and vendors or their guests:

6.11 (1) the costs of use;

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

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

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

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

6.18 Subd. 22. **Open market purchase.** This section does not prohibit an authority member,  
 6.19 staff member, friend, or family member of the authority or staff from attending events,  
 6.20 renting rooms, or using suites at the stadium for which the person purchased a ticket, rented  
 6.21 a room, or purchased a suite, on the open market for fair market value.

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

6.24 Subd. 23. **Code of conduct.** The authority shall adopt and comply with the latest version  
 6.25 of the state code of conduct promulgated by Minnesota Management and Budget. For  
 6.26 purposes of section 43A.38 as applied to the authority, an authority member or an authority  
 6.27 staff member is an "employee of the executive branch;" use of stadium space by an authority  
 6.28 member or by authority staff, unless permitted under section 473J.09, constitutes a "gift"  
 6.29 under section 43A.38, subdivision 2; and constitutes "use of state property for the employee's  
 6.30 private interest" under section 43A.48, subdivision 4.

7.1 Sec. 19. **RECOVERY.**

7.2 The Minnesota Sports Facilities Authority must recover the fair market value of any  
7.3 food, parking, tickets, and access to stadium suites provided to a person prior to January 1,  
7.4 2017, if the provision of those benefits to the person was not in the public interest. The  
7.5 authority shall report on recovery efforts to the commissioner of management and budget  
7.6 and to the chairs and ranking minority members of the senate finance and house of  
7.7 representatives ways and means committees on the second Monday of each month until a  
7.8 full recovery is completed.

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

7.10 Sec. 20. **REPEALER.**

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

7.12 Sec. 21. **EFFECTIVE DATE.**

7.13 Except where otherwise provided, this act is effective July 1, 2017, and, notwithstanding  
7.14 any law to the contrary, the appointment of the current executive director of the authority  
7.15 and the terms of all current members of the authority terminate on that date. New  
7.16 appointments must be made by the appointing authorities by May 1, 2017, and, if confirmed  
7.17 by the senate, will be effective July 2, 2017.

APPENDIX  
Repealed Minnesota Statutes: S0626-1

**473J.09 POWERS, DUTIES OF THE AUTHORITY.**

Subd. 14. **Study; raffle.** The authority shall study the feasibility of conducting a raffle for chances to win a pair or other limited numbers of prime seats (such as lower deck, 50 yard line seats) in the stadium for professional football games for the duration of the lease or use agreement. In conducting the study, the authority must consult with the NFL team. If the authority determines that conducting the raffle is financially feasible, the authority in cooperation with the director of the Gambling Control Board shall conduct the raffle. The proceeds of the raffle must be transmitted to the commissioner of revenue for deposit in the general fund and are appropriated to the commissioner of management and budget for prepayment of principal and interest on appropriation bonds under section 16A.965.