

## CHAPTER 240A

### AMATEUR SPORTS COMMISSION

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#### 240A.01 DEFINITIONS.

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

Subd. 2. **Commission.** "Commission" means the Minnesota Amateur Sports Commission.

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

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

**History:** 1987 c 400 s 44

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

Subdivision 1. **Membership; compensation; chair.** (a) The Minnesota Amateur Sports Commission consists of 14 voting members, four of whom must be experienced in promoting amateur sports. Of the voting members, nine shall be appointed by the governor and two shall be appointed by the commission to three-year terms. Of the total commission membership, including voting and nonvoting members, one member must reside in each of the state's congressional districts. Four legislators, two from each house appointed according to its rules, shall be nonvoting members. One member from each house shall be from the minority caucus. Compensation and removal of members and the filling of membership vacancies are as provided in section 15.0575. A member may be reappointed. The governor shall appoint the chair of the commission after consideration of the commission's recommendation.

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

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

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

**History:** 1987 c 400 s 45; 1988 c 633 s 2; 1991 c 238 art 1 s 10; 1993 c 192 s 82; 1994 c 648 art 1 s 1; 1997 c 187 art 3 s 28; 2002 c 393 s 56

### 240A.03 GENERAL POWERS OF COMMISSION.

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

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

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

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

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

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

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

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

property, or services and enter into contracts to carry out the same. Money received under this subdivision is annually appropriated to the commission.

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

Subd. 10. **Use agreements and fees.** The commission may lease, license, or enter into agreements and may fix, alter, charge, and collect rentals, fees, and charges to persons for the use, occupation, and availability of part or all of any premises, property, or facilities under its ownership, operation, or control. Fees charged by the commission are not subject to section 16A.1285. The commission may also impose other fees it deems appropriate with the approval of the legislature according to section 16A.1283. Notwithstanding section 16A.1283, when the legislature is not in session, the commissioner of management and budget may grant interim approval of the fees, until such time as the legislature reconvenes and acts upon the fees. A use agreement may provide that the other contracting party has exclusive use of the premises at the times agreed upon.

Subd. 11. **Insurance.** The commission may require any employee to obtain and file with it an individual bond or fidelity insurance policy. It may obtain insurance in the amounts it considers necessary to protect it against the liability of the commission or its officers and employees for personal injury or death and property damage or destruction, with the effect stated in chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property.

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

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

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

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

Subd. 16. **Financial reports.** By January 15 of each year, the commission must report to the chairs of the legislative committees with jurisdiction over the commission and its finances regarding the revenue received by the commission from leases in the previous fiscal year. The report must detail revenue received from individual lessees and costs incurred by the commission for maintenance and operation of the leased property. The report must also estimate the revenue from leases for the current and following fiscal years.

**History:** 1987 c 400 s 46; 1988 c 633 s 3-5; 1991 c 199 art 2 s 1; 1993 c 192 s 83; 1996 c 305 art 3 s 30; 1Sp2003 c 1 art 2 s 73; 2005 c 156 art 2 s 32,33; 2009 c 101 art 2 s 109

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

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

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

**History:** 1987 c 400 s 47; 1Sp2003 c 1 art 2 s 74; 2013 c 62 s 16

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

The commission may sponsor or sanction amateur sporting events that include athletes who participate in events sponsored or sanctioned by the Minnesota State High School League or any other governing body of sport.

**History:** 1987 c 400 s 48

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

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

Subd. 2. **Limitations.** The games must be designed to encourage the participation of athletes representing a broad range of age groups, skill levels, Minnesota communities, and people with physical disabilities, people with vision impairments, and people who are deaf, deafblind, and hard-of-hearing. Primary participants must be residents of Minnesota. Regional competitions to determine participants in the games may be held

throughout the state, and the top qualifiers in each sport or the regional competitions are qualified to participate in the state amateur athletic games. The games must be held at an appropriate site in the state.

**History:** *1987 c 400 s 49; 1Sp2003 c 1 art 2 s 75; 2013 c 62 s 17,18*

#### **240A.07 COOPERATION REQUIRED.**

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

**History:** *1987 c 400 s 50*

#### **240A.08 [Repealed, 2009 c 101 art 2 s 110]**

#### **240A.085 JAMES METZEN MIGHTY DUCKS ICE CENTER DEVELOPMENT ACT.**

Sections 240A.085 to 240A.11 may be cited as the "James Metzen Mighty Ducks Ice Center Development Act."

**History:** *2016 c 189 art 13 s 56*

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

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

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

(b) The commission must give priority to grant applications for indoor air quality improvements and projects that eliminate R-22. For purposes of this section:

(1) "indoor air quality improvements" means: (i) renovation or replacement of heating, ventilating, and air conditioning systems in existing indoor ice arenas whose ice resurfacing and ice edging equipment are not powered by electricity in order to reduce concentrations of carbon monoxide and nitrogen dioxide; and (ii) acquisition of zero-emission ice resurfacing and ice edging equipment. The new or renovated systems may include continuous electronic air monitoring devices to automatically activate the ventilation systems when the concentration of carbon monoxide or nitrogen dioxide reaches a predetermined level; and

(2) "projects that eliminate R-22" means replacement of ice-making systems in existing public facilities that use R-22 as a refrigerant, with systems that use alternative non-ozone-depleting refrigerants.

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

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

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

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

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

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

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

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

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

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

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

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

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

(l) The commission may make grants for rehabilitation and renovation. A rehabilitation or renovation grant for air quality may not exceed \$200,000 and a rehabilitation or renovation grant for R-22 elimination may not exceed \$250,000 for indirect cooling systems and may not exceed \$500,000 for direct cooling systems. Priority must be given to grant applications for indoor air quality improvements, including zero emission ice resurfacing equipment, and for projects that eliminate R-22.

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

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

**History:** 1994 c 648 art 2 s 1; 1995 c 254 art 1 s 76; 1996 c 463 s 42; 1999 c 250 art 1 s 90; 2007 c 140 art 4 s 61; art 13 s 4; 2014 c 295 s 17; 1Sp2015 c 5 art 3 s 3; 1Sp2019 c 10 art 2 s 16

## **240A.10 AGREEMENTS.**

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

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

collected must be deposited in the revolving fund established by this subdivision. Money in the fund is appropriated to the commission to administer the programs and services covered by this subdivision.

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

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

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

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

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

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

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

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

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

(4) to support special events involving amateur athletics.

Subd. 2. **Geographic dispersal.** To the extent possible, over time, the commission shall disperse grants equally among the state's congressional districts and award one-half of all grants to communities or institutions outside the metropolitan area as defined in section 473.121, subdivision 2.

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

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

#### **240A.13 SOCCER FIELD DEVELOPMENT.**

Subdivision 1. **Grants.** The commission may make matching grants to political subdivisions of the state to develop new soccer fields for amateur athletics. In awarding grants, the commission shall give priority to proposals from multiple applicants. To the extent possible, over time, the commission shall disperse grants equally among the state's congressional districts.

Subd. 2. **Matching criteria.** Each grant for soccer field development under this section must be matched by recipient communities or institutions in accordance with this subdivision. A matching contribution may include an in-kind contribution of land; access roadways and access roadway improvements; and necessary utility services, landscaping, and parking. The first \$20,000 of a grant must be matched equally by the recipient. The portion of a grant that is more than \$20,000 but not more than \$75,000 must be matched by

the recipient at a rate double the amount of that portion of the grant. The portion of a grant that is more than \$75,000 must be matched by the recipient at a rate of three times the amount of that portion of the grant.

**History:** *1Sp2001 c 10 art 2 s 71*

#### **240A.20 PROMOTING CONSTRUCTION AND RENOVATION OF PUBLIC SKATE PARKS THROUGHOUT THE STATE.**

Subdivision 1. **Definition.** For purposes of this section, "skate" means wheeled, nonmotorized recreation, including skateboarding, roller blading, roller skating, and BMX biking.

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

(1) develop new public skate parks statewide; and

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

Subd. 3. **Criteria for grants to local units of government for public skate parks.** (a) The commission shall administer a site selection process for the skate parks. The commission shall invite proposals from cities, towns, counties, consortia of cities, park boards, and school districts that are eligible to receive a grant under this program. A proposal for a skate park must include matching contributions including in-kind contributions of land, access roadways and access roadway improvements, and necessary utility services, landscaping, and parking.

(b) The skate park must be accessible to the public without charge for personal use.

(c) The skate park must be constructed of concrete.

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

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

(f) The commission will give priority to proposals that come from more than one local government unit.

(g) The commission may also use the money to upgrade current facilities.

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

(i) A grant awarded under subdivision 2, clause (2), may not exceed \$500,000 unless the grantee demonstrates that the facility will have a regional or statewide draw. A grant awarded under subdivision 2, clause (2), may be for up to \$1,000,000 for a skate park with regional impact. A grant awarded under subdivision 2, clause (2), may be for up to \$2,000,000 for a skate park that has or will have more than 40,000 square feet.

(j) In selecting projects to be awarded grants under this section, the commission must give priority to those projects that are designed by experts in the field of concrete skate park design and are to be constructed by professionals with experience in the construction of concrete skate parks.

(k) To be eligible for a grant under this section, a local government must have engaged or must commit to engage youth in the planning, design, and programming for the concrete skate park.



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

Subd. 5. **Agreements with local governments and cooperative purchasing agreements.** (a) The Minnesota Amateur Sports Commission may enter into agreements with local units of government and provide financial assistance in the form of grants for the construction of skate parks that, in the determination of the commission, conform to its criteria.

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

Subd. 6. **Awarding a design-build contract.** Notwithstanding section 471.345, cities, towns, counties, park boards, and school districts may solicit and award a design-build or construction manager at-risk contract for a construction or upgrade project funded under this section on the basis of a best value selection process. The city, town, county, park board, or school district must consider at least three proposals when awarding a design-build contract under this section.

Subd. 7. **Availability of funds.** A grant of money from an appropriation under this program is available to each grantee until the project that is the subject of the grant is completed or abandoned, subject to section 16A.642.

**History:** *5Sp2020 c 3 art 5 s 17; 2023 c 71 art 2 s 6-9*