

Section 1. Minnesota Statutes 1976, Section 204A.09, is amended by adding a subdivision to read:

Subd. 3. ELECTIONS; POLLING PLACES; ACCESS BY ELDERLY AND HANDICAPPED. Each polling place shall be accessible to and usable by elderly persons and by physically handicapped persons by complying with the following standards of accessibility:

(a) Doors, entrances, and exits used to gain access to or egress from the polling place shall have a minimum width of 31 inches.

(b) Any curb adjacent to the main entrance to a polling place shall have curb cuts or temporary ramps.

(c) Any stairs necessarily used to enter the polling place shall have a temporary handrail and ramp.

(d) In the polling place, no barrier shall impede the path of the physically handicapped to the voting booth.

A governing body shall select as polling places only those sites which meet the standards of accessibility prescribed in this subdivision, except that the governing body may select a site not meeting the standards if no available site within the precinct can be made accessible.

Sec. 2. Minnesota Statutes 1976, Section 204A.34, Subdivision 2, is amended to read:

Subd. 2. DISABLED VOTER, ASSISTANCE. Any person who is unable to enter a polling place may register and vote without leaving his vehicle. Two judges, who are not members of the same political party, shall likewise assist a voter who is at the entry of the polling place but who is unable to enter because of physical disability; provided, however, that for the purpose of this section, intoxication is not physical disability; and the polling place to register and to complete a voter's certificate, and shall provide him with the necessary ballots. The voter may request additional assistance in marking his ballots as provided in subdivision 1. A person who is intoxicated may not vote.

Sec. 3. REPEALER. Minnesota Statutes 1976, Section 204A.11, Subdivision 4, is repealed.

Approved May 12, 1977.

CHAPTER 89—S.F.No.895

[Coded in Part]

An act relating to metropolitan government; providing for sports facilities; establishing
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a sports commission and prescribing its powers and duties; authorizing the issuance of bonds by the metropolitan council; providing financing; providing a tax on the sales of certain intoxicating and fermented malt beverages in the metropolitan area; prohibiting certain restrictive agreements relating to the telecasting of games; increasing the levy limitation base for the city of Bloomington; regulating facilities location; amending Minnesota Statutes 1976, Section 340.11, Subdivision 11a.

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

Section 1. **[473.551] METROPOLITAN GOVERNMENT; SPORTS FACILITIES; DEFINITIONS.** Subdivision 1. For the purposes of sections 1 to 12, the following terms shall have the meanings given in this section.

Subd. 2. "Cities" means the cities of Minneapolis, Bloomington, and Richfield.

Subd. 3. "Commission" means the metropolitan sports facilities commission.

Subd. 4. "Debt service" means the principal and interest due each year on all bonds or revenue anticipation certificates issued by the council under section 10 or assumed by the council or for which the council is obligated under section 6.

Subd. 5. "Metropolitan sports area" means the real estate in the city of Bloomington described in the ownership and operations agreement, and all buildings, structures, improvements and equipment thereon, now owned by the cities.

Subd. 6. "Metropolitan sports area commission" means that commission established by an ownership and operations agreement made and entered into as of August 13, 1954, validated by Laws 1955, Chapter 445, to which the cities are now parties.

Subd. 7. "Multipurpose sports facility" means a single unit sports facility suitable for university or major league professional baseball, football, and soccer.

Subd. 8. "Sports facility" or "sports facilities" means real or personal property comprising a stadium or stadiums suitable for university or major league professional baseball or for university or major league professional football and soccer, or for both, together with adjacent parking facilities.

Sec. 2. [473.552] LEGISLATIVE POLICY; PURPOSE. The legislature finds that the population in the metropolitan area has a need for sports facilities and that this need cannot be met adequately by the activities of individual municipalities, by agreements among municipalities, or by the private efforts of the people in the metropolitan area. It is therefore necessary for the public health, safety and general welfare to establish a procedure for the acquisition and betterment of sports facilities and to create a metropolitan sports facilities commission.

Sec. 3. [473.553] SPORTS FACILITIES COMMISSION; MEMBERSHIP; ADMINISTRATION. Subdivision 1. GENERAL. The metropolitan sports facilities
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commission is established and shall be organized, structured, and administered as provided in this section and section 473.141, subdivisions 6 to 11, 13, and 14.

Subd. 2. MEMBERSHIP. The commission shall consist of six members appointed by the governor plus a chairman appointed as provided in subdivision 3. Initial appointments of members shall be made within 30 days of the effective date of this act. One member shall be appointed from each of the following combinations of metropolitan commission precincts defined in section 473.141, subdivision 2: A and B; C and G; D and E; F and H. Two members shall be appointed from outside the metropolitan area.

Subd. 3. CHAIRMAN. The chairman shall be appointed by the governor as the seventh voting member and shall meet all of the qualifications of a member, except the chairman need only reside outside the metropolitan area. The chairman shall preside at all meetings of the commission, if present, and shall perform all other duties and functions assigned to him by the commission or by law. The commission may appoint from among its members a vice-chairman to act for the chairman during his temporary absence or disability.

Subd. 4. QUALIFICATIONS. Each member shall be a resident of the precincts or area of the state for which he is appointed and shall not during his term of office hold the office of metropolitan council member or be a member of another metropolitan commission or hold any judicial office or office of state government. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, Article V, Section 6. The oath, duly certified by the official administering it, shall be filed with the chairman of the metropolitan council.

Subd. 5. TERMS. The terms of the members representing precincts A and B and C and G and the term of one of the members from outside the metropolitan area shall end the first Monday in January, 1981. The terms of the other members and the chairman shall end the first Monday in January, 1983. After the initial term provided for in this subdivision, the term of each member and the chairman shall be four years. The terms shall continue until a successor is appointed and qualified. Members and the chairman may be removed in the manner specified in chapter 351.

Sec. 4. [473.556] POWERS OF COMMISSION. Subdivision 1. GENERAL. The commission shall have all powers necessary or convenient to discharge the duties imposed by law, including but not limited to those specified in this section.

Subd. 2. ACTIONS. The commission may sue and be sued, and shall be a public body within the meaning of chapter 562.

Subd. 3. ACQUISITION OF PROPERTY. The commission may acquire by lease, purchase, gift, or devise all necessary right, title, and interest in and to real or personal property deemed necessary to the purposes contemplated by sections 1 to 12 within the limits of the metropolitan area.

Subd. 4. EXEMPTION OF PROPERTY. Any real or personal property acquired, owned, leased, controlled, used, or occupied by the commission for any of the purposes of

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sections 1 to 12 is declared to be acquired, owned, leased, controlled, used and occupied for public, governmental, and municipal purposes, and shall be exempt from taxation by the state or any political subdivision of the state, provided that such properties shall be subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. No possible use of any such properties in any manner different from their use under sections 1 to 12 at the time shall be considered in determining the special benefit received by the properties. All assessments shall be subject to final confirmation by the council, whose determination of the benefits shall be conclusive upon the political subdivision levying the assessment.

Subd. 5. FACILITY OPERATION. The commission may equip, improve, operate, manage, maintain, and control the metropolitan sports area and sports facilities constructed or remodeled under the provisions of sections 1 to 12.

Subd. 6. DISPOSITION OF PROPERTY. The commission may sell or otherwise dispose of any real or personal property acquired by it which is no longer required for accomplishment of its purposes. The property shall be sold in the manner provided by section 458.196, insofar as practical and consistent with sections 1 to 12. The proceeds from the sale of any real property at the metropolitan sports area shall be paid to the council and used for debt service.

Subd. 7. CONTRACTS. The commission may contract for materials, supplies, and equipment in accordance with section 471.345, except that the commission may employ persons, firms, or corporations to perform one or more or all of the functions of architect, engineer, construction manager, or contractor for both design and construction, with respect to all or any part of a project to build or remodel sports facilities. Such employment shall be through the process of public bidding, provided that it shall be permissible for the commission to narrow the listing of eligible bidders to those which the commission determines to possess sufficient expertise to perform the intended functions. Any such person, firm, or corporation shall certify, before the contracts are finally signed, a construction price and completion date to the commission and shall post a bond in an amount at least equal to 100 percent of the certified price, to cover any costs which may be incurred over and above the certified price, including but not limited to costs incurred by the commission or loss of revenues resulting from incomplete construction on the completion date. The commission shall secure surety bonds as required in section 574.26, securing payment of just claims in connection with all public work undertaken by it. Persons entitled to the protection of the bonds may enforce them as provided in sections 574.28 to 574.32, and shall not be entitled to a lien on any property of the commission under the provisions of sections 514.01 to 514.16.

Subd. 8. EMPLOYEES; CONTRACTS FOR SERVICES. The commission may employ persons and contract for services necessary to carry out its functions. The commission may employ on such terms as it deems advisable persons or firms for the purpose of providing traffic officers to direct traffic on property under the control of the commission and on the city streets in the general area of the property controlled by the commission. The traffic officers shall not be peace officers and shall not have authority to make arrests for violations of traffic regulations.

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Subd. 9. 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, any subdivision of the state, or any person for any of its purposes, may enter into any agreement required in connection therewith, and may hold, use, and dispose of such money, property, or services in accordance with the terms of the gift, grant, loan or agreement relating thereto. Except for the acquisition, clearance, relocation, and legal costs referred to in section 10, subdivision 3, clauses (d) and (e), the commission shall not accept gifts, grants, or loans valued in excess of \$2,000,000 without the prior approval of the council. In evaluating proposed gifts, grants, loans, and agreements required in connection therewith, the council shall examine the possible short-range and long-range impact on commission revenues and commission operating expenditures.

Subd. 10. RESEARCH. The commission may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with its functions.

Subd. 11. AGREEMENTS WITH UNIVERSITY. The commission and the board of regents of the university of Minnesota may enter into agreements and do all other acts necessary to further the functions prescribed in sections 1 to 12.

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

Subd. 13. INSURANCE. The commission may require any employee to obtain and file with it an individual bond or fidelity insurance policy. It may procure insurance in the amounts it deems necessary against liability of the commission or its officers and employees for personal injury or death and property damage or destruction, with the force and effect stated in Minnesota Statutes, Chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property.

Subd. 14. SMALL BUSINESS CONTRACTS. In exercising its powers to contract for the purchase of services, materials, supplies, and equipment, pursuant to subdivisions 5, 7, 8 and 10 of this section, the commission shall designate and set aside each fiscal year for awarding to small businesses approximately ten percent of the value of anticipated contracts and sub-contracts of that kind for that year, in the manner required of the commissioner of administration for state procurement contracts pursuant to sections 16.081 to 16.084. The commission shall follow the rules promulgated by the commissioner of administration pursuant to section 16.085, and shall submit reports of the kinds required of the commissioners of administration and economic development by section 16.086.

Subd. 15. AFFIRMATIVE ACTION. The commission shall require that each party
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with whom it contracts for services for construction, concessions, and operation of a sports facility pursuant to subdivisions 5, 7, 8 and 10 of this section shall have an affirmative action plan for the employment of minority persons that has been approved by the commissioner of human rights.

Sec. 5. [473.561] EXEMPTION FROM COUNCIL REVIEW. The acquisition and betterment of sports facilities by the commission shall be conducted pursuant to sections 1 to 12 and shall not be affected by the provisions of sections 473.161, 473.165, and 473.173.

Sec. 6. [473.564] METROPOLITAN SPORTS AREA. Subdivision 1. TRANSFER OF OWNERSHIP. Thirty days after the effective date of this act, or at such later date as the council and the commission determine is advisable and consistent with the purposes of sections 1 to 12, the ownership of the metropolitan sports area shall be transferred to the commission. The cities and the metropolitan sports area commission shall cause all conveyances and other instruments to be executed, delivered, and recorded on their behalf which the commission, upon advice of counsel, deems necessary or desirable to transfer and convey to it all of the cities' right, title, and interest in and to the metropolitan sports area and all parts thereof and appurtenances thereto. The comptroller-treasurer of the city of Minneapolis shall remit, endorse, assign and transfer to the treasurer or secretary-treasurer of the commission all moneys and securities credited to the metropolitan sports area fund on the city's official books and records under the provisions of the ownership and operations agreement, except the metropolitan sports area bond sinking fund.

Subd. 2. ASSUMPTION OF OBLIGATIONS. Upon transfer of ownership of the metropolitan sports area to the commission, the council shall be and become obligated and shall provide for the payment of the principal and interest thereafter due and payable with respect to the general obligation bonds and revenue bonds issued by the city of Minneapolis under the provisions of the ownership and operations agreement among the cities and amendments thereto. The council shall provide to Minneapolis funds sufficient to meet the payments and to maintain the sinking fund pursuant to the agreement. When the balance in the sinking fund is sufficient to pay all remaining bonds and interest to their maturity dates, or to an earlier date on which they have been called for redemption, the obligation of the council shall be discharged. When the principal and interest on the bonds have been paid in full, any balance remaining in the sinking fund, including interest earnings, shall be remitted to the council and used by the council for debt service. Upon transfer of ownership of the metropolitan sports area to the commission, the commission shall assume all of the cities' obligations and those of the metropolitan sports area commission under the provision of all use agreements now in effect, entered into by the metropolitan sports area commission on behalf of the cities, providing for the use of the metropolitan sports area or any part thereof by any person. The cities and the metropolitan sports area commission shall cause to be executed all assignments and other documents as the commission, upon advice of counsel, shall deem necessary or desirable and appropriate to vest all their rights and privileges under the agreements in the commission. Nothing herein shall be construed as imposing upon the council or commission an obligation to compensate the cities or the metropolitan sports area commission for all or any part of the metropolitan sports area or to continue to operate

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and maintain the metropolitan sports area facilities taken over by the commission.

Subd. 3. EMPLOYEES. Upon transfer of ownership all persons then employed by the metropolitan sports area commission shall be transferred to the metropolitan sports facilities commission without loss of right or privilege. Nothing in this section shall be construed to give any such person the right or privilege to continue in the same level or classification of employment previously held. The metropolitan sports facilities commission may assign any such person to an employment level and classification which it deems appropriate and desirable in accordance with its personnel code.

Sec. 7. [473.565] RETIREMENT; ADMINISTRATION; PURCHASES OF PRIOR SERVICE CREDIT. Subdivision 1. All employees of the commission shall be members of the Minnesota state retirement system with respect to service rendered on or after the effective date of this act, except as provided in this section.

Subd. 2. Temporary employees hired for a period of less than six months and part time employees hired to work less than 30 hours per week shall be excluded from membership in the retirement system if the commission certifies them to the executive director of the retirement system as being temporary or part time employees.

Subd. 3. Any employee of the commission who was an employee of the metropolitan sports area commission on the effective date of this act and who was a member of the public employees retirement association on account of that employment may elect no later than 30 days following transfer of employment to the commission to remain a member of the public employees retirement association. The election shall be made on forms provided by the commission, and the commission shall give immediate notice of any such elections to the executive directors of the public employees retirement association and the Minnesota state retirement system. Any person who makes such an election shall be excluded from membership in the Minnesota state retirement system with respect to employment by the commission. The commission shall make the required employer contributions to the public employees retirement association.

Subd. 4. Any permanent full time employee of the commission who was a permanent full time employee of the metropolitan sports area commission on the effective date of this act, for whom the prior employment was not covered by the public employees retirement association, may obtain allowable service credit in the Minnesota state retirement system by paying to the retirement system (a) an amount equal to four percent of his or her current salary rate multiplied by the days and months of such prior service for which he or she desires to obtain allowable service credit plus (b) a matching amount representing the employer's required contributions, except that the commission may agree to pay the matching amount on behalf of its employees. Proof of prior permanent full time service and the duration thereof shall be established by the certification of the commission to the executive director of the retirement system. The payments shall be made either in a lump sum or by payroll deduction arranged for on or before July 1, 1978.

Sec. 8. [473.568] TELECAST OF GAMES; RESTRICTIVE AGREEMENTS PROHIBITED. Subdivision 1. No major league professional baseball, football, or soccer organization which is a tenant at a sports facility constructed or remodeled pursuant to

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sections 1 to 12 shall be a party to or benefit from an agreement, contract, arrangement, or other understanding which would prevent the telecast within the state or any part of the state of any game of the organization under the following conditions: (a) if the game is to be telecast pursuant to an agreement by which any league of the professional sports organizations sells or otherwise transfers all or part of the rights of the league's member organizations in the sponsored telecasting of games of the organizations and (b) if 90 percent of the tickets of admission for seats at the game, which were available for purchase by the general public 120 hours or more before the scheduled beginning time of the game either at the sports facility where the game is to be played or at the box office closest to the sports facility, have been purchased 72 hours or more before the beginning time of the game. The right to telecast any such game in the state shall be made available, by the person or persons having such right, to a television broadcast licensee on reasonable terms and conditions, including adequate compensation to the commission for the resulting reduction in revenue from tickets and concessions, unless the telecasting would be a telecasting which Title 15 U.S.C. Section 1293 is intended to prevent.

Subd. 2. The provisions of this section may be enforced by means of a civil suit for injunctive relief brought in the district court of the county in which the sports facility is located.

Subd. 3. Should the provisions of this section be found to be in conflict with legislation enacted by the Congress of the United States, the commission may then establish alternative standards for telecasting as a precondition of the execution of a lease agreement with any major league professional baseball, football, or soccer organization to be a tenant at the sports facility.

Subd. 4. If this section is found to be unconstitutional and void, the remaining provisions of this act shall remain valid.

Sec. 9. [473.571] LOCATION AND DESIGN SELECTION. Subdivision 1. COMMISSION RESPONSIBILITY. The commission shall determine the location and design specifications for new or remodeled sports facilities in the metropolitan area.

Subd. 2. PRELIMINARY PROPOSALS. By August 1, 1977, the commission shall select, for further study and consideration, design specifications for not more than three locations in the metropolitan area and shall submit to the state planning agency information on the design specifications and locations sufficient in detail and extent in the judgment of the agency to allow the preparation of environmental impact statements. The design specifications shall include a variety of comparable facilities for each location.

Subd. 3. ENVIRONMENTAL IMPACT STATEMENTS. An environmental impact statement shall be completed for each alternative selected by the commission. The statements shall be initiated, prepared, and completed in accordance with sections 1 to 12, and, to the extent not inconsistent with sections 1 to 12, in accordance with chapter 116D and rules issued pursuant thereto. The statements shall be prepared by the state planning agency. The agency may engage the department of transportation, the pollution control agency, the energy agency, or any other department or agency of the state, or private consultants, to conduct studies necessary to the preparation of the statements. The

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commission shall reimburse the state planning agency quarterly for costs incurred by the agency in preparing the statements, including any costs charged over to the agency for studies conducted by other departments or agencies. The agency shall begin preparing the statements immediately upon receipt of information submitted in accordance with subdivision 2. The final statements shall be accepted by the environmental quality board no later than 300 days following receipt of the information.

Subd. 4. METROPOLITAN COUNCIL REPORT. By April 1, 1978 the metropolitan council shall make a report to the commission on the consistency of the locations under consideration with the metropolitan council's policy plans, and the metropolitan development guide adopted by the council under section 473.145.

Subd. 5. PERMITS. Within 60 days following the acceptance of the environmental impact statements by the environmental quality board, the pollution control agency and any other department, agency, or unit of government shall take final action to approve or deny any permits necessary for the sports facilities and locations under consideration.

Subd. 6. COMMISSION PROPOSAL. On December 1, 1978, following the acceptance of the environmental impact statements by the environmental quality board, the commission shall make a final determination on design and location and shall submit to the metropolitan council a proposal to bond for and construct or remodel the sports facility or facilities. The commission's proposal shall contain all information deemed appropriate or necessary by the council to its determinations pursuant to section 10. The commission, in preparing the proposal for the council, may require of the potential lessee professional teams any and all relevant corporate financial data, including, but not limited to, profit and loss statements, annual audit statements, and balance sheets. The commission may keep the corporate financial data confidential except for members of the commission, the council, and designated staff. In evaluating the alternatives, the commission shall consider, among other factors, (a) access to the locations from the rest of the metropolitan area and the state, (b) access to parking and public transit, (c) environmental impact, (d) total capital and operating costs to the commission and total commission revenues over the expected life of the facility, including the sale of land by the commission and any contributions by local units of government or other organizations, (e) the report of the council, (f) the availability of land and utilities, (g) the total governmental costs associated with the construction and operation of the commission's facilities, including the cost to all units and agencies of government as well as the cost to the commission, (h) the net gain or loss of property taxes to all local governmental units, (i) the feasibility of funding a portion of the total cost through a grant or grants from the economic development administration of the federal government, (j) the feasibility of constructing a waste facility or a solar energy system to provide energy for heating and ventilating the sports facility, and (k) the needs of the university of Minnesota for athletic facilities for a prospective 20 year period. Before submitting its proposal to the metropolitan council the commission shall hold hearings at locations both within and without the metropolitan area after appropriate notice to receive public testimony on location and design.

Sec. 10. [473.581] DEBT OBLIGATIONS. Subdivision 1. BONDS. The council may by resolution authorize the sale and issuance of its bonds for any or all of the

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following purposes:

(a) To provide funds for the acquisition or betterment of sports facilities by the commission pursuant to sections 1 to 12;

(b) To refund bonds issued hereunder and bonds upon which the council is obligated under section 6; and

(c) To fund judgments entered by any court against the commission or against the council in matters relating to the commission's functions.

Subd. 2. PROCEDURE. The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for bonds payable solely from revenues, except as otherwise provided in sections 1 to 12, and the council shall have 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 council. They shall be payable solely from tax and other revenues referred to in sections 1 to 12, shall not be a general obligation or debt of the council or of the commission, and shall not be included in the net debt of any city, county, or other subdivision of the state for the purpose of any net debt limitation. No election shall be required. The principal amount shall not be limited except as provided in subdivision 3.

Subd. 3. LIMITATIONS. The principal amount of the bonds issued pursuant to subdivision 1, clause (a), shall not exceed the amounts hereinafter authorized. If the commission's proposal and the construction contracts referred to in clause (g) of this subdivision provide for the construction of a covered multipurpose sports facility, the principal amount of bonds issued pursuant to subdivision 1, clause (a), shall be limited to \$55,000,000. If the commission's proposal and the construction contracts do not provide for the construction of a cover on a proposed multipurpose sports facility and the commission does not otherwise contract for the construction or acquisition of a cover for the sports facility, the principal amount shall be limited to \$42,000,000. If the site for the facility is in the county of Anoka, no more than \$3,000,000 of additional bonds may be issued for land acquisition, clearance, relocation and legal costs referred to in clauses (d) and (e) of this subdivision in connection with the construction of a multi-purpose stadium. If the commission's proposal and the construction contracts provide for the construction of a new sports facility for football and soccer and for remodeling the existing metropolitan stadium for baseball, the principal amount shall be limited to \$37,500,000. If the commission's proposal and the construction contracts provide for the reconstruction and remodeling of the existing metropolitan stadium as an uncovered multipurpose sports facility, the principal amount shall be limited to \$25,000,000. The bonds issued pursuant to subdivision 1, clause (a), shall bear an average annual rate of interest, including discount, not in excess of seven and one-half percent. The proceeds of the bonds issued pursuant to subdivision 1, clause (a), shall be used only for the acquisition and betterment of sports facilities suitable for baseball, football and soccer, with a seating capacity for football and soccer of approximately 65,000 persons. The council shall issue its bonds and construction of sports facilities may commence when the council has made the following determinations:

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(a) The commission has executed agreements with major league professional baseball and football organizations to use its sports facilities for all scheduled regular season home games and play-off home games and, in the case of the football organization, for at least one-half of its exhibition games played each season. The agreements shall be for a period of not more than 30 years nor less than the term of the longest term bonds that in the council's judgment it may find it necessary to issue to finance the acquisition and betterment of the commission's sports facilities. The agreements shall provide that, in the event of breach of the agreements, the defaulting organization shall pay damages annually to the commission. The annual payment shall be in an amount equal to the annual average of all revenue derived by the commission from attendance at events and activities of the defaulting organization during the years prior to default, provided that the damages shall not exceed in any year an amount sufficient, with other revenues of the commission but excluding proceeds of the tax under section 11, to pay all expenses of operation, maintenance, administration, and debt service for the facilities used by the defaulting organization during the same year. The damages shall be payable during the period from the occurrence of the default to the date on which another major league professional baseball or football organization, replacing the defaulting organization, enters into a use agreement with the commission for not less than the then remaining term of the original agreement. The agreements with the teams shall provide that no closed circuit or pay television broadcasting of events in the sports facility may be allowed without the approval of the commission. The agreements shall include provisions protecting the commission and the council in the event of change in ownership of the professional teams.

(b) The commission has executed agreements with professional baseball and football major leagues which guarantee the continuance of franchises in the metropolitan area for the period of the agreements referred to in clause (a).

(c) The proceeds of bonds provided for in this subdivision will be sufficient, together with other capital funds that may be available to the commission, to construct or remodel and to furnish the sports facilities proposed by the commission, including the appropriate professional fees and charges but excluding, except as otherwise provided in this subdivision, the acquisition, clearance, relocation, and legal costs referred to in clauses (d) and (e).

(d) The commission has acquired, without cost to the commission or the council except as provided in this subdivision, title to all real property including all easements and other appurtenances needed for the construction and operation of any proposed sports facilities or has received a grant of funds or has entered into an agreement or agreements sufficient in the judgment of the council to assure the receipt of funds, at the time and in the amount required, to make any payment upon which the commission's acquisition of title and possession of the real property is conditioned.

(e) The commission has received a grant of funds or entered into an agreement or agreements sufficient in the judgment of the council to assure the receipt of funds, at the time and in the amount required, to pay all costs, except as provided in this subdivision, of clearing the real property needed for the construction and operation of any proposed sports facilities of all buildings, railroad tracks and other structures, including without

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limitation all relocation costs, all utility relocation costs, and all legal costs.

(f) The commission has executed agreements with appropriate labor organizations and construction contractor organizations which provide that no labor strike or management lockout will halt, delay or impede construction.

(g) The commission has executed contracts for the construction of its sports facilities.

(h) The environmental impact statement for the sports facility or facilities has been accepted by the environmental quality board, and the pollution control agency and any other department, agency, or unit of government have taken final action to approve or deny any permits necessary for the sports facility or facilities.

(i) At least 50 percent of the private boxes provided for in the sports facility or facilities are leased for at least five years.

(j) The anticipated revenue from the operation of the sports facility or facilities plus any additional available revenue of the commission, but not including proceeds of the tax under section 11, will be an amount sufficient to pay when due all debt service plus all operating and maintenance expenses, unless the proposed facility is a covered multipurpose sports facility, in which case the aforementioned revenues need only be an amount sufficient to pay when due all debt service plus a substantial portion of operating and maintenance expense.

(k) The commission has studied and considered the needs of the university of Minnesota for athletic facilities for a prospective 20 year period.

The validity of any bonds issued under subdivision 1, clause (a), and the obligations of the council and commission related thereto, shall not be conditioned upon or impaired by the council's determinations made pursuant to this subdivision. For purposes of issuing the bonds the determinations made by the council shall be deemed conclusive, and the council shall be and remain obligated for the security and payment of the bonds irrespective of determinations which may be erroneous, inaccurate, or otherwise mistaken.

Subd. 4. SECURITY. To the extent and in the manner provided in sections 11 and 12, the tax described in section 11, the tax and other revenues of the commission described in section 12, and any other revenues of the commission shall be and remain pledged and appropriated for the payment of all necessary and reasonable expenses of the operation, administration, maintenance, and debt service of the commission's sports facilities until all bonds referred to in section 6, subdivision 2, and all bonds and certificates issued pursuant to this section are fully paid or discharged in accordance with law. The revenue bonds and interest thereon referred to in section 6, subdivision 2, may be refunded, whether at a lower or a higher rate of interest, by the issuance of new bonds pursuant to subdivision 1, clause (b), for the purpose of pledging revenues of the metropolitan sports area for the payment and security of bonds issued hereunder, and the council may provide that a portion of the new bonds shall be payable solely from the

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interest earnings derived from the investment of the bond proceeds. Until these revenue bonds are fully paid or the council's obligation thereon is discharged in accordance with law they shall be deemed a first and prior charge on those revenues and shall be secured by all provisions of the revenue bond resolution and the ownership and operations agreement. Bonds issued pursuant to this section may be secured by a bond resolution, or by a trust indenture entered into by the council with a corporate trustee within or outside the state, which shall define the tax and other revenues pledged for the payment and security of the bonds. The pledge shall be a valid charge on the tax referred to in section 11 and all tax and other revenues referred to in sections 1 to 12 from the date when bonds are first issued under the resolution or indenture and shall secure the payment of principal and interest and redemption premiums when due and the maintenance at all times of a reserve securing such payments. No mortgage of or security interest in any tangible real or personal property shall be granted to the bondholders or the trustee, but they shall have a valid security interest in all tax and other revenues received and accounts receivable by the commission or council hereunder, as against the claims of all other persons in tort, contract, or otherwise, irrespective of whether such parties have notice thereof, and without possession or filing as provided in the uniform commercial code or any other law. In the bond resolution or trust indenture the council may make such covenants, which shall be binding upon the commission, as are determined to be usual and reasonably necessary for the protection of the bondholders. No pledge, mortgage, covenant, or agreement securing revenue bonds may be impaired, revoked, or amended by law or by action of the council or commission, except in accordance with the terms of the resolution or indenture under which the bonds are issued, until the obligations of the council thereunder are fully discharged.

Subd. 5. REVENUE ANTICIPATION CERTIFICATES. At any time or times after approval by the council and final adoption by the commission of an annual budget of the commission for operation, administration, and maintenance of its sports facilities, and in anticipation of the proceeds from the tax under section 11 and the revenues of the commission provided for in the budget, but subject to any limitation or prohibition in a bond resolution or indenture, the council may authorize the issuance, negotiation, and sale, in such form and manner and upon such terms as it may determine, of revenue anticipation certificates. The principal amount of the certificates outstanding shall at no time exceed 25 percent of the total amount of the tax and other revenues anticipated. The certificates shall mature not later than three months after the close of the budget year. Prior to the approval and final adoption of the first annual budget of the commission, the council may authorize up to \$300,000 in revenue anticipation certificates under this subdivision. So much of the anticipated tax and other revenues as may be needed for the payment of the certificates and interest thereon shall be paid into a special debt service fund established for the certificates in the council's financial records. If for any reason the anticipated tax and other revenues are insufficient, the certificates and interest shall be paid from the first tax and other revenues received, subject to any limitation or prohibition in a bond resolution or indenture. The proceeds of the certificates may be used for any purpose for which the anticipated revenues of the commission may be used or for any purpose for which bond proceeds under subdivision 1 may be used, provided that the proceeds of certificates issued after the first issuance of bonds under subdivision 1, clause (a), shall not be used to pay capital costs of sports facilities constructed or remodeled pursuant to sections 1 to 12.

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Sec. 11. [473.591] **ON-SALE LIQUOR TAX.** Subdivision 1. APPLICATION. For purposes of this section, the term "metropolitan area" shall not include that portion of the city of New Prague that is located in Scott county nor those portions of the city of Hanover and the city of Rockford that are located in Hennepin county.

Subd. 2. TAX. The council shall impose a tax, effective August 1, 1977, supplemental to the general sales tax imposed in Minnesota Statutes, Chapter 297A, in the amount of two percent on all retail on-sales of intoxicating liquor and fermented malt beverages when sold at licensed on-sale liquor establishments and municipal liquor stores located within the metropolitan area. The tax shall remain in effect until August 1, 1980. Thereafter, the council may levy such a tax up to an amount sufficient to produce revenues to the council equal to the principal and interest on bonds outstanding under section 10, subdivision 1, but not to exceed \$4,500,000 in any year. The tax shall be reported and paid to the commissioner of revenue with and as part of the state sales and use taxes, and shall be subject to the same penalties, interest, and enforcement provisions.

Subd. 3. PROCEEDS; USE. The collections of the tax, less refunds and a proportionate share of the cost of collection, shall be remitted at least quarterly to the council. The proceeds remitted shall be placed, together with the net revenues of the commission under section 12, into the debt service fund or special funds established under section 10, subdivisions 4 and 5, provided however that during the first year the tax is imposed pursuant to this section the council may reappropriate to the commission a total amount not to exceed one-half of the proceeds from the first year of the tax, to be used by the commission to pay its expenses related to planning, designing, and locating sports facilities pursuant to sections 1 to 12. Collection of the tax imposed by this section shall be suspended at the end of any calendar year upon a determination by the metropolitan council that the balance in the debt service fund, including any reserve fund has reached an amount sufficient to pay the principal and interest on bonds which will become due within the next succeeding three year period. Collection shall be resumed by the commissioner of revenue at the end of any calendar year upon notice from the metropolitan council that the balance in the debt service fund, including any reserve fund has fallen below an amount sufficient to pay the principal and interest on bonds which will become due within the next succeeding two year period.

Sec. 12. [473.595] **COMMISSION FINANCES.** Subdivision 1. ADMISSION TAX. Effective January 1, 1978, the commission shall by resolution impose a three percent admission tax upon the granting, sale, or distribution, by any private or public person, association, or corporation, of the privilege of admission to activities; except for those activities sponsored by nonprofit organizations and conducted at the indoor public assembly facility at the metropolitan sports area known as the metropolitan sports center. Commencing with the operation of sports facilities constructed or remodeled by the commission pursuant to sections 1 to 12, the commission shall impose an additional seven percent admission tax upon activities conducted at such sports facilities. Effective January 1, 1978, no other tax, except the taxes imposed by chapter 297A, may be levied by any other unit of government upon any such sale or distribution. The admission tax shall be stated and charged separately from the sales price so far as practicable and shall be collected by the grantor, seller, or distributor from the person admitted and shall be a debt from that person to the grantor, seller, or distributor, and the tax required to be

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collected shall constitute a debt owed by the grantor, seller, or distributor to the commission, which shall be recoverable at law in the same manner as other debts. Every person granting, selling, or distributing tickets for such admissions may be required, as provided in resolutions of the commission, to secure a permit, to file returns, to deposit security for the payment of the tax, and to pay such penalties for nonpayment and interest on late payments, as shall be deemed necessary or expedient to assure the prompt and uniform collection of the tax.

Subd. 2. RENTALS; FEES; CHARGES. Rentals, fees, and charges provided for in use agreements entered into by the commission shall be those estimated by the commission to be necessary and feasible to produce so far as possible, with commission revenues from other sources, the amounts needed for current operation, maintenance, and debt service. The commission shall with respect to all facilities in the metropolitan sports area and any sports facility constructed pursuant to this act meet and confer with any public body, authority, or agency owning or operating an entertainment or sports complex, or indoor sports arena, in the area in which this act is effective, for the purpose of undertaking measures or agreements maximizing revenues and eliminating unnecessary operational expenditures.

Subd. 3. BUDGET PREPARATION; REVIEW AND APPROVAL. The commission shall comply with the provisions of section 473.163, provided that the entire budget, including operating revenues and expenditures for operation, administration, and maintenance, shall be subject to approval by the council, in accordance with the procedures described in section 473.163.

Subd. 4. PAYMENT OF COUNCIL COSTS. The commission shall comply with the provisions of section 473.164.

Subd. 5. AUDIT. The commission once each year shall have an independent audit made of its books and accounts by a certified public accountant. The costs of the audits shall be paid by the commission. Once each year the commission shall prepare and file a written report with the legislative auditor in such form and containing such information as the legislative auditor may prescribe. The council or the legislative auditor may examine the commission's books and accounts at any time.

Subd. 6. GENERAL. The commission shall receive and account for all tax and other revenue of the commission and from the revenue shall provide, contract, and pay for proper operation, administration, and maintenance of all of its property and facilities and shall maintain, as authorized by resolutions of the council, reserves for major repairs, replacements, and improvements and for working capital. The commission shall remit to the council for deposit in its debt service fund, at the times required by resolution of the council, the net revenue in excess of these requirements.

Sec. 13. BLOOMINGTON; TAX LEVY. Effective beginning in the year 1978, the levy limit base for the city of Bloomington determined for the purposes of Minnesota Statutes, Sections 275.50 to 275.59, is increased by an amount equal to the revenue derived by the city in calendar year 1976 from the city tax imposed on tickets sold for admission to activities conducted at the metropolitan sports area.

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Sec. 14. Minnesota Statutes 1976, Section 340.11, Subdivision 11a, is amended to read:

Subd. 11a. **ON-SALE LICENSES TO CERTAIN SPORTS COMMISSIONS.** Notwithstanding any law or municipal charter provision to the contrary, on-sale licenses for the sale of intoxicating liquor may be issued to establishments located on lands owned ~~jointly by more than one municipality~~ the commission created in sections 1 to 12 and which are used primarily for sports and recreational purposes upon payment of the regular on-sale license fee therefor to the municipality wherein the licensed premises are located. Such licenses shall authorize the sale of intoxicating liquor to club members and guests only.

Sec. 15. This act is effective in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 16. This act is effective on the day following final enactment.

Approved May 16, 1977.

CHAPTER 90—S.F.No.32

[Coded in Part]

An act relating to shade tree disease control; authorizing grants for municipal shade tree removal and reforestation programs; authorizing a shade tree disease control research program; appropriating money; amending Minnesota Statutes 1976, Sections 18.023, Subdivisions 1, 1a, 2, 3a, 4, 7, 8 and 11, and adding a subdivision; 116.07, Subdivision 4; and 275.50, by adding a subdivision; repealing Minnesota Statutes 1976, Section 18.023, Subdivision 6.

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

Section 1. Minnesota Statutes 1976, Section 18.023, Subdivision 1, is amended to read:

18.023 MUNICIPALITIES; SHADE TREE DISEASE CONTROL. Subdivision 1. **DEFINITIONS.** As used in subdivisions 1 to 12 the terms defined in this subdivision shall have the meanings given them.

(a) "Metropolitan area" means the area comprising the counties of Hennepin, Ramsey, Anoka, Dakota, Washington, Scott and Carver.

(b) "Commissioner" means the commissioner of agriculture.

(c) "Municipality" means any home rule charter or statutory city or any town exercising municipal powers pursuant to section 368.01, or any general or special law, located in the metropolitan area; or any special park district as organized under chapter

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