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ADVANCING ARTS AND ATHLETICS

Planning and Funding

Arts and Sports

in Minnesota



GOVERNOR

ARNE H. CARLSON'S

TASK FORCE ON

SPORTS FACILITIES

DECEMBER 1998

Governor Arne H. Carlson's Task Force on Sports Facilities was established in August 1998 to study sports facilities and their financing and to make recommendations on what Minnesota's role should be in funding new facilities.

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ADVANCING ARTS AND ATHLETICS

Planning and Funding Arts and Sports in Minnesota

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Dear Governor Carlson:

It is my pleasure as chair to submit to you the report of the Task Force on Sports Facilities. The task force worked hard to come up with a new approach to funding facilities for sports and other activities in Minnesota, a platform that would unite Minnesotans and contribute to our state's vitality.

We began from the broad perspective of what sports and arts mean to the citizens of Minnesota — how all of these make our state a wonderful place to live, work and play. Members of the task force agreed that professional sports are an important part of life in Minnesota. They also agreed that the arts, amateur sports, University of Minnesota athletics and a wide range of other activities share the stage when it comes to entertaining us.

Our proposal for funding new facilities — whether for the arts or sports — rests on our belief that the state can and should support arts and sports but should not be the primary support. The task force makes no recommendation regarding any specific stadium proposal. Instead, it is our hope that the proposal presented here will create a new approach to funding, an approach that unites rather than divides, that looks to long-term investment and not to the latest fad, that creates partnerships not adversaries in our communities.

The history of new stadium proposals has been marked by increasing demands and extreme partisanship. In the last two sessions of the Minnesota Legislature, a large number of bills were introduced for funding a new baseball stadium. None of them passed the House which must pass any funding bills. The task force was especially concerned with the rancor and divisiveness with which these proposals were met.

To avoid the nastiness that has marked past debates on new facilities, the task force proposes creating a Commission for Arts and Sports that would allocate funding based on three basic principles:

- All new facilities should be part of a long-range vision for the community.
- Public and private partnerships should provide the majority of funding.
- Partisan debate should have a very limited role in these discussions.

The task force recommends that the Commission for Arts and Sports be charged with funding new facilities or remodeling existing facilities for the arts, professional sports and the University of Minnesota. This commission would evaluate proposals based on well-established guidelines that would include requirements for partnerships, planning and community investment. We contend that arts and sports organizations should create partnerships with local governments and with other organizations or individuals to develop new or improved facilities. We recommend that these partnerships provide the majority of funding for the proposed facilities. Finally, the proposals should be part of a long-range plan for the community, a plan that works to enhance community vibrancy.

We think that our recommendations provide a new and more productive approach to funding the buildings in which we enjoy the arts and sports. It is in this spirit that the task force presents its report.

Sincerely.

Ralph Burnet

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Summary

Governor Arne H. Carlson created a 12-member Task Force on Sports Facilities in August 1998 to make recommendations to him on planning and funding new facilities in Minnesota. At the time, statewide discussion had polarized and was marked by divisiveness, partisan wrangling and rancor. Governor Arne H. Carlson believed it was necessary to examine the issue outside of the partisan political arena. Opportunities were needed for new ideas to be expressed, explored and developed, and he envisioned the task force as the forum for this discussion.

Task force members began their work by developing a vision and mission, and identifying three key strategic questions.

Vision: Minnesota will sustain its quality of life and maintain the vibrancy of its communities, in part, through long-range strategic planning of capital facility budgets.

Mission: Develop a plan and recommendations for helping to sustain Minnesota's quality of life and vibrant communities through long-range strategic planning for building or maintaining community facilities, including sports facilities.

Strategic questions:

- How should Minnesota balance the needs of professional sports with other community needs, including the arts, amateur sports, the University of Minnesota, and others? How do sports facilities fit into Minnesota's long-term capital budget?
- Who should provide the funds for new facilities? What should be the public-private relationship in financing new facilities? What contributions should cities, counties, the metropolitan area, or the state provide?
- Who should manage the funds an existing or a new entity?

The task force examined the history and financing of new facilities in 17 cities nationwide, reviewed management and governance structures, and explored funding mechanisms in other cities as well as in Minnesota. Members also sought out information from other cities on the political context for planning, financing and generating public support for major community facilities — including sports facilities.

The task force members concluded that the compelling component was not the vitality of specific sports teams but the vibrancy of communities. Lessons were learned in these communities about the statewide impact when cities decay.

Members of the task force think that Minnesota's vitality is based on strong communities. They also recognize that many diverse activities, institutions and organizations contribute to Minnesota's communities — music, art, amateur sports, professional sports and theater. The task force chose not to limit discussion to sports alone but broadened its focus to include the entire cultural and recreational environment, including professional sports. The question for the task force became how better to support all these activities, institutions and organizations.

This report defines a more effective process for enhancing the vibrancy of communities. Three key principles are:

- All new facilities should be part of a long-range vision and plan for the state of Minnesota and communities.
- Partnerships for planning and funding are essential public and private, between communities, and between communities and the state.
- Efforts should be nonpartisan.

To incorporate these tenets and accomplish the task given them by the Governor, members agreed that a Commission on Arts and Sports should be established by the Minnesota Legislature. This commission would allocate funds for capital projects for the arts and professional sports. Partners in any project would provide the majority of the funding. Funding from the commission would be limited to "bricks and mortar," that is, funds would not be available for operating expenses but only for constructing, expanding, or rehabilitating buildings and facilities. Applications would be judged on the basis of guidelines established by the Legislature and the commission.

Members of the Governor's Task Force on Sports Facilities

Ralph Burnet, chairman and CEO, Burnet Financial Group (chair)

Jack Provo, retired court administrator, 4th Judicial District (vice chair)

Frank Berman, Esq., Frank R. Berman, P.A.

State Rep. Hilda Betterman

Dr. McKinley Boston, vice president, Student Development and Athletics, University of Minnesota

Ann Glumac, president, Iron Mining Association of Minnesota

State Rep. Loren Jennings

George Latimer, Macalester College

Dave Roe, retired president, Minnesota AFL-CIO

Howard "Chub" Stewart, member of the Minnesota Amateur Sports Commission

State Sen. Roy Terwilliger

Mike Wright, chairman and CEO, SUPERVALU INC.

The task force recognizes that amateur sports, like arts and professional sports, enrich our communities. Because the Minnesota Amateur Sports Commission has done an excellent job of enhancing and funding amateur sports facilities, the task force chose to leave the funding of these facilities to the MASC.

The Commission on Arts and Sports would:

- Be funded through a start-up appropriation in the form of a loan from the Legislature.
- Be given authority to sell bonds to pay for its portion of costs for projects that it approved. Repayment of those bonds would be based on revenue sources established by the Legislature. The task force recommends that the Legislature dedicate a portion of revenues from state departmental fees to fund the state share of projects approved by the commission. For larger projects, such as a stadium or arena, the commission would ask the Legislature to establish local user fees to generate revenue to repay the bonds. Revenue from those fees would fund repayment of bonds issued by the commission.
- Allocate funds based on well-established guidelines. Applications from communities would need to demonstrate their commitment to the future through community investment, partnerships and vision. In addition, applicants would need to show how the project would contribute to the vibrancy of the community. To encourage public and private partnerships, applications that incorporate such partnerships would be given priority in funding. Finally, partners applying for funding from the commission would be responsible for the majority of the total cost of the project. Consequently, every application would need to identify sources of funding in addition to funds requested from the commission.

This task force report does not provide a specific solution for the stadium issue in Minnesota but leaves any decision on specific stadium proposals to the new commission. The task force recommends establishing the Commission on Arts and Sports as a critical first step in a process that is based on a vision of community and state partnership, that is grounded in strategic and long-range planning, nonpartisan in approach and support, and builds on the long-term perspective of what Minnesotans want their state and its communities to be like in the future.

Introduction

The vibrancy of life in Minnesota is predicated on many strengths: a strong, diversified economy; a skilled and educated work force; informed and involved citizens; bountiful recreational opportunities; a dynamic arts community including fine arts, theater and music; excellent education; and amateur and professional sports. All of these things give Minnesotans pride in their communities and all contribute to the vitality of our state, our cities and our neighborhoods. Arts and sports are integral parts of our well-being.

Members of the Task Force on Sports Facilities are concerned that Minnesotans continue to maintain and enhance the richness of life in our state. Our central cities, especially, need to continue to thrive. Their importance to all of Minnesota cannot be minimized. While the task force recognizes the importance of regional centers throughout the state (indeed, several members call those regional centers home), it also acknowledges that Minneapolis, our largest city, and St. Paul, our state capital, represent the cosmopolitan heart of Minnesota. Minnesotans cannot allow these cities to stagnate, because decline in the central cities will affect the entire state. The strengths listed earlier for Minnesota contribute equally to our cities. Arts and sports, too, are essential components of vibrant city life. Minneapolis and St. Paul must continue to grow and flourish economically, socially and culturally, leading Minnesota into the next millennium.

Every development project has an impact on its neighbors, citizens in the community and on the direction of the community in the future. The members of the task force strongly support long-range planning to ensure that new developments are part of a coherent vision for the community.

Many developments have fallen short because a project was not part of an integrated plan. The city of Indianapolis illustrates the results of integrating vision and comprehensive planning in development. The reawakening of downtown Indianapolis began in 1979 with the establishment of the Indiana Sports Corporation. The vision was to attract national and international sporting organizations and events to the area. Initially, the city leaders planned to begin their economic development by attracting amateur sports. Since that time, developments have included both amateur and professional sports facilities and organizations, art museums, an expanded zoo, parks, improved downtown shopping and other amenities. In addition, adequate parking and easy access from freeways makes Indianapolis an attractive place to visit. In short, the renaissance in Indianapolis has come about through the city leaders' long-term vision and planning.

Mindful of the kind of successful integration seen in Indianapolis, the task force encourages Minnesota communities to integrate arts and sports projects into their long-term plans.

Making a new arts center or a theater part of the vision for the community's future will make the project more successful. At the same time, the project will enhance the community's vitality. Finally, the task force contends that long-term planning will mean that each project leads to greater vibrancy and a brighter future for the community.

The task force chose to focus on those things that make life in Minnesota more entertaining, more beautiful and more enlightened. Institutions and activities, such as theater, music, fine arts, museums, amateur and professional sports, even movies, serve to fulfill us. Whether it is children visiting the Walker Art Center, a neighborhood gathered to listen to an outdoor concert or Monday-morning-water-cooler conversations about Sunday's Vikings game, cultural and sports activities add to our enjoyment of life. They enrich our lives by raising our awareness of aesthetics, drawing us together as part of a wider community and filling our leisure hours with pleasure and learning. Cultural and sports activities provide a kind of continuing education while entertaining us.

University of Minnesota athletics are a good example of the importance of sports in the state. Throughout the state, Minnesotans embrace the Golden Gophers, tuning to the broadcasts of the football games on fall Saturdays. In 1997 when the Gopher basketball team went to the NCAA Final Four, Minnesotans everywhere watched and cheered for their team. During the 1998 NIT tournament, every home game was sold out, and the ovations were deafening. The University's teams represent the entire state in competitions throughout the nation. Minnesotans are proud of their Golden Gophers and unite in supporting them.

Members of this task force are concerned about Minnesota's communities. Many of the institutions that provide for our cultural enrichment are threatened: federal funding for the arts has been drastically cut, budget concerns have plagued our orchestras, and professional sports teams have considered relocating elsewhere. What can the state of Minnesota do to support arts and sports? How can Minnesota act to ensure that our arts, recreation, sports and other cultural institutions remain viable? Minnesota needs to foster an environment that will promote the vitality of all communities and make our state a place where arts and sports activities thrive and grow.

Governor Arne H. Carlson asked the 12 members of the Task Force on Sports Facilities in August 1998 to develop a new approach to funding sports facilities in Minnesota. He emphasized the importance of putting new facilities into long-range plans for Minnesota and its cities. The task force chose not to focus on any particular stadium proposal, but rather to recommend a new approach for planning and funding facilities for the arts and sports in Minnesota. This approach is non-partisan and incorporates long-term planning and partnerships between the public and private sectors. The task force recommends some public funding but expects that the majority of the necessary funds will come from other sources.

Forming the Commission on Arts and Sports

From the earliest meeting of the Task Force on Sports Facilities, members were concerned that funding for arts and sports facilities be removed, as far as possible, from the partisan politics that had marked previous funding debates. They sought a model for a nonpartisan approach for policy making, an approach that would allow reasoned debate and that would avoid rancor and divisiveness. The members of the task force examined a number of nonpartisan governing boards, including the Federal Election Commission, the Minnesota Board of Campaign Finance and Public Disclosure, and the Federal Commission on Base Closing and Realignment. These boards were established by government as a way to resolve a political impasse where no progress had been made. They were created in ways that removed them from the political arena. The task force drew upon these examples, as well as governing boards for stadium authorities in Kansas City, St. Louis and Louisiana, in recommending the formation of the Commission on Arts and Sports.

The task force recommends that the Legislature create a 12-member Commission on Arts and Sports. Commissioners would be appointed by the Governor and confirmed by a two-thirds majority vote of the Minnesota Senate. To provide for representation of both metropolitan and nonmetropolitan Minnesota, each Congressional district would be represented by one commissioner. Four additional at-large members would be appointed. Commissioner's terms should be six years long and staggered to ensure a mix of continuing and new members. Commission members would serve at the pleasure of the Governor who could replace members, but new appointees would have to be approved by the Senate.

No more than six members of the commission should come from any one political party. Members could not serve in the Minnesota Legislature while serving on the Commission on Arts and Sports. However, the task force recommends that at least one member be a former legislator, especially one well versed in state finance. The Commissioner of the Department of Finance should be an *ex officio* member of the commission with no voting rights.

The commission's duties would be confined to distributing funds to applicants for the sole purpose of building or rehabilitating arts and sports structures. The commission would not be responsible for building, expanding, rehabilitating, maintaining or operating facilities for which the commission has contributed funds. A vote of at least two-thirds of all commission members would be required to approve any proposal. The commission would award funds

based on guidelines established by the commission and the Legislature. The task force recommendations for funding and award guidelines are defined later in this report.

Since the Commission on Arts and Sports is charged with funding sports and cultural facilities, the Metropolitan Sports Facilities Commission would no longer fund sports facilities but focus instead on operating existing facilities — currently only the Hubert H. Humphrey Metrodome.

When awarding funds, the Commission on Arts and Sports would ensure that efficient and cost-effective operation of the proposed facility is defined in the proposal so that sufficient revenues would be generated to pay the debt obligation.

The Commission on Arts and Sports would meet regularly on a well-publicized schedule. The task force recommends that the commission meet at least quarterly. Meetings of the commission would be subject to the state open meeting law (Minnesota Statute 471.705), and all proceedings of the commission, including minutes, records, files and correspondence, would be subject to full disclosure to the Legislature, the Governor and the public. Applications for funds should always be considered according to the guidelines established by the Legislature and the commission.

Arts and sports funding

The task force examined a number of possible funding mechanisms to provide revenue for the Commission on Arts and Sports. Members were adamant that the role of partisan politics in funding decisions should be limited. Because the state bonding process requires legislative approval, the task force sought other forms of funding.

The task force recommends that the Commission on Arts and Sports sell bonds to fund approved projects. Bonds sold by the commission would be repaid from revenue dedicated to that purpose by the Legislature or, in the case of large projects, such as a stadium or a new arena, the commission would ask the Legislature to establish user fees to generate revenues to repay the bonds.

The task force recommends that the Legislature dedicate to arts and sports a portion of departmental fees collected each year in Minnesota. These fees include money collected for occupational licenses, service fees, and user and regulatory charges. Departmental fees collected in fiscal year 1997 totaled \$120 million and have ranged from \$117 million to \$125 million over the past five years. In 1999, \$30 million of this revenue will be used to pay debt service on bonds sold to

satisfy the judgment against the state in the *Cambridge State Bank et al v. James* case, with payments of \$55 million in each of the final two years (2000 and 2001). The Legislature could dedicate a portion of the excess revenue from these departmental fees to the Commission on Arts and Sports. This revenue would be used to repay bonds sold for small projects. Alternatively, the Legislature could dedicate revenue to arts and sports from the lottery or from the recent tobacco settlement money.

For large high-cost projects such as an arena or a stadium, revenue dedicated by the Legislature to the Commission on Arts and Sports would be insufficient to service the debt. If the commission approved a stadium proposal and its debt load was greater than revenues dedicated to the commission, the commission would ask the Legislature to establish local user fees to generate revenue to repay the bonds. Such fees could be set for tickets, rental cars, broadcast rights or lodging, for example. The commission would have the authority to switch on the fees when revenue was needed to repay bonds sold for a large project. This "on-off" switch is the type of taxing authority that was used to provide security for the repayment of the Metrodome bonds. The Legislature could also dedicate taxes withheld from professional athletes' salaries to the Commission on Arts and Sports. Player salary taxes collected in 1997 totaled almost \$9 million.

Large projects such as a stadium generate revenue from personal seat licenses, pouring rights, other concessions, naming rights, club seats, luxury suites, and parking fees. In the past, these sources of revenue have been included as funding options. However, while revenue from such sources is substantial and has been estimated as high as \$14 million annually in Minnesota, the task force realizes that in most proposals, this revenue will be assigned to the partners in the project, not the Commission on Arts and Sports. Consequently, the commission would need to ask the Legislature for authority to set user fees.

Using funding mechanisms based on a known revenue source would create bonds with a high rating. Furthermore, no general funds would be tapped to provide dollars for projects approved by the Commission on Arts and Sports.

The task force considered other possible funding mechanisms for arts and sports, including state general obligation bonds. These bonds are issued by the Commissioner of Finance for capital projects authorized by the Legislature. However, the task force thought that the state bonding process would create a bottleneck in funding projects approved by the Commission on Arts and Sports.

Another option for revenue to repay bonds issued by the commission is a statewide tax. However, levying taxes statewide to repay bonds means that the bonds are considered, legally, state general obligation bonds and, as such, must be

approved by the Legislature under the state bonding process. As stated above, the task force prefers to avoid that method of funding.

The task force also considered establishing a "cultural and sports trust," similar to the Environment and Natural Resources Fund. Such a trust would derive funds from some source established by the Legislature and would ensure the commission a stable source of funding. The task force considered lottery revenue, the tobacco case settlement dollars and other sources to fund a trust but prefers that the Legislature consider these funds as a backup for bonds sold by the commission.

The task force recommends that the Legislature provide startup funding in the form of a \$10 million loan to the commission. This money would be used to fund projects before the revenues from the dedicated fees begin to accrue. In this way, the commission could begin immediately to fund projects throughout the state. The loan would be repaid from funds dedicated to arts and sports.

Guidelines for awarding funds

The task force maintains that judging applications submitted to the Commission in an unbiased manner is of the utmost importance. To that end, the task force recommends that the Legislature and the commission establish guidelines that emphasize the goals of community vibrancy, long-range planning and community investment. Funding would be subject to the guidelines discussed below. Considering applications based on these guidelines would be fair and unbiased.

The commission would be authorized to fund building, rehabilitating or remodeling of facilities used for the arts and sports. The Minnesota Amateur Sports Commission already funds similar projects for amateur sports. Therefore, the task force recommends that amateur sports continue to obtain funding from the MASC and not be eligible for funding from the Commission on Arts and Sports. This new commission would deal exclusively with arts, professional sports applications and the University of Minnesota.

Task force members consider the University of Minnesota a special case. Like professional teams, Gopher teams have statewide appeal, but they are amateur teams. Because the University bridges amateur and professional, the task force thinks that the University could seek funding for sports facilities from the commission, the MASC or the Legislature.

Most Gopher teams' sports facilities are University property, but Gopher football has been played in the Metrodome since 1982 under a lease agreement. Other University sports facilities have been funded through appropriations from the Minnesota Legislature as part of the University's budget. The University's Aquatic Center, however, was funded through the MASC. In the future, the University may again seek funding for other sports facilities from the MASC. However, it could also decide to form a partnership with one of the professional teams, a city or other partners to pursue a new stadium or arena. The task force thinks that this kind of partnership would be a happy joining of Minnesota's home team with others interested in arts and sports in the state.

Proposals to the commission would require matching funds. Since projects coming before the commission could vary in cost from several thousand dollars for a local project to hundreds of millions for a stadium, the task force recommends that the Legislature limit the amount available from the commission. For all projects funded by the commission, the majority of funding must come from the applicants.

Cost overruns are almost universal in stadium and arena building projects. To protect the commission and the state from future indebtedness, the Legislature and the commission should stipulate that any cost overruns become the responsibility of the applicants and not of the commission.

To limit Minnesota's liability for funding arts and sports projects, the Legislature could set a maximum amount for commission funding for any project. Another option would be for the Legislature to cap the commission's total financial obligation in any year. As with all projects involving state funds, projects approved by the commission would be subject to the approval of the Commissioner of Finance, who would examine each proposal to ensure sufficient security for the portion of the bonds to be repaid by the project's partners.

The commission could sell bonds to provide financing for the entire cost of a project. But debt service payments on the portion of the bonds not provided by the commission would come from the partners and other sources. For example, if the commission voted to grant funds for a new facility costing \$150 million, the commission could agree to sell bonds for the entire amount but limit its contribution to \$50 million. The commission would pay debt service on the \$50 million with debt service on the remaining \$100 million coming from the project's partners and other revenue sources, such as naming rights for the stadium, the University of Minnesota, private and team contributions, and local government funds. Similarly, if a community theater group applied to the commission for funds for a new building costing \$6 million, the commission could agree to provide up to \$2.5 million with the remainder coming from the theater group, its partners and their revenue sources.

Proposed projects must represent an investment in the community that will enhance the community well into the future. To that end, applicants must show that the project is an integral part of a long-range plan for the community. The task force encourages the Legislature and the commission to avoid funding

Funding of projects would be shared

Large proje	ect Small project
Total cost of project \$150 milli	on \$6 million
Total bonding amount \$150 milli	on \$6 million
Commission indebtedness \$50 milli	on \$2.5 million
Funds from other sources \$100 milli	on \$3.5 million
Bonds issued by the Up commission \$150 milli	
Annual bond payment assuming 7 percent interest Aborand 25-year term	
Commission's share Abord payment\$4 milli	
Partners' share Abort Start Abort Start Abort Start Abort Start Abort Start St	

Note: The interest rate for the smaller project would probably be a tax-exempt rate and lower than that for the larger project. In these examples, 7 percent and 25-year terms are used for illustration; they could be different depending on bond rates at the time bonds are sold.

projects that fail to anticipate infrastructure or other needs associated with a new facility. For example, if project planners anticipate increased traffic, the commission should ensure that the proposal provides sufficient parking and traffic access.

Applications based on a partnership of both public and private organizations should be encouraged. The task force thinks that these kinds of partnerships have the greatest potential to benefit all investors as well as citizens in the community. In the case of a stadium for professional sports, the task force expects that, at the least, the team, local governments and perhaps the University of Minnesota would cooperate to provide the majority of funding for the facility. This kind of joint effort serves to demonstrate community pride, commitment to professional sports and the team's commitment to Minnesota.

Applicants for arts and sports funds would have to demonstrate that funds will be used to enhance the vibrancy of their community. Evidence of this includes outreach to citizens, educational activities, expanding cultural and sports opportunities in the community and enriching not just the local area but also neighboring towns and counties.

Proposals that include funding from other sources should be given priority. The commission's role would be to help support arts and sports in Minnesota. The fact that other financial aid is committed to the project is evidence that other funding bodies regard it as worthy and important.

By adhering to these guidelines, the commission would ensure that all applicants' proposals are given fair consideration.

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