

CHAPTER 281—S. F. No. 789.

An Act to provide for an extension, enlargement and beautifying of the grounds of the new state capitol building in the City of St. Paul, and to provide for a commission with power to acquire lands therefor, either by purchase or by condemnation under the right of eminent domain.

Be it enacted by the Legislature of the State of Minnesota :

Capitol ground commissioners to be appointed by governor—rules governing same.—Section 1. That within 30 days after the passage of this act, the governor shall appoint three resident freeholders of the State of Minnesota, for the term of three years, or such time as may be necessary for them to complete their duties as herein prescribed, who, together with the governor as an ex-officio member, shall constitute a board to be known as the "Capitol Grounds Commissioners." The persons so appointed shall, within 10 days after their appointment, file with the secretary of state their written acceptances of such appointment, together with an oath to faithfully and honestly discharge the duties imposed upon them by this act. Said appointees shall forthwith, after their qualification, upon call of the governor, meet and organize. The governor shall be ex-officio president of said board and they shall elect from their number a vice-president and secretary, and shall keep a record of their proceedings, which shall, after the completion of their duties, be returned to and filed with the secretary of state.

A majority of said commissioners shall constitute a quorum for the transaction of business, and they shall hold such stated and special meetings as they may by rule prescribe.

The members of said commission shall serve without compensation, but shall be entitled to be paid from the state treasury the actual and necessary expenses incurred by them in the transaction of their business, upon the due audit and allowance of such expenditures by said commissioners and upon due certification thereof to the state auditor.

It shall be the duty of the governor to fill all vacancies occurring in the membership of said board, prior to the making of its final report, with persons of like qualifications.

Duties of commission—how to proceed.—Sec. 2. It shall be the duty of said board of capitol grounds commissioners

to proceed as soon as may be to take the necessary steps as herein authorized to acquire and secure by purchase or by condemnation under the right of eminent domain, or both, such lands adjoining or adjacent to the present new state capitol grounds as will, in their judgment, be requisite and necessary for the proper extension and enlargement of the grounds for the new state capitol building of Minnesota, and in such manner as to render the same more symmetrical in form; *provided, however*, that said commissioners shall incur no obligation in that behalf beyond the limit of the appropriation or appropriations which shall be made therefor. Said commissioners shall have the right, if in their judgment it is necessary, in and about the acquisition and improvement of such lands, to call to their assistance the services of a landscape artist or architect.

Said commissioners are authorized to enter into contracts with the owners of the land sought to be acquired, for the sale and conveyance thereof, to the State of Minnesota for the purpose aforesaid, when, in their judgment, the same can be secured at a fair and reasonable price, and such lands as they may desire to so acquire, which, in their judgment, cannot be purchased at a fair and reasonable price, they are authorized to proceed to acquire the same for the state by condemnation under the right of eminent domain, in the manner and under and pursuant to the terms and provisions of chapter 41 of the Revised Laws, 1905, and it shall be the duty of the attorney general to render all legal assistance necessary to carry out such condemnation proceedings as said commissioners may desire to institute in that behalf.

Auditor to draw warrants.—Sec. 3. When lands are acquired under the provisions of this act, either by purchase or by condemnation, said board of capitol grounds commissioners shall certify to the state auditor the purchase price thereof, or the amount of damages awarded, and thereupon the state auditor shall draw his warrant therefor, payable to the owner or persons interested in the land so acquired, out of any moneys which may have been appropriated for that purpose, the same to be delivered upon receipt of a proper deed of conveyance to the state, of the lands so purchased or upon delivery of a proper receipt for the damages awarded in cases of condemnation.

If insufficient appropriation is made.—Sec. 4. In case the appropriation or appropriations made shall not be suffic-

ient to pay for all lands purchased and the award made for all lands condemned, or in case the awards or any of them are of such amount that said commissioners shall desire not to take the responsibility for the payment thereof, said commissioners shall report the same to the legislature at its next session after final confirmation of all the awards made, including any which may be made upon re-trial after appeal, and upon such report, if the legislature shall fail to approve the same, or to make the necessary appropriation to pay such award at the same or the next session to which such report is made, then all the proceedings which may have been taken for the acquiring of the lands so reported, the award for which has not been previously paid, shall be void and of no effect, but in such case the parties whose lands have been condemned in pursuance of this act, shall be paid the reasonable disbursements expended by them in such proceedings, the amount of such disbursements to be fixed and allowed by the court in which such condemnation proceedings are had and the same shall be paid out of any moneys in the treasury not otherwise appropriated.

Vacation of streets.—Sec. 5. In case any lands are acquired hereunder, which are separated from the present capitol grounds by any street or streets in the city of St. Paul, such streets shall be re-located upon the outer portion of the land so acquired, and that portion of such street or streets as at present located which separate the lands so acquired from the present capitol grounds shall be vacated and discontinued as public streets, and the same shall become a part of the capitol grounds, provided the City of St. Paul shall have the right to maintain and use all sewers and water pipes now constructed and laid therein.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 22, 1907.