

times and places it designates to accomplish the purposes set forth in this act. It shall select a chairman and other officers from its membership as necessary.

Sec. 5. Members of the commission shall be reimbursed in the same manner and amount as for attendance at legislative meetings. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.

Sec. 6. The sum of \$10,000 is appropriated from the general fund to the commission to pay its expenses.

Sec. 7. This act is effective the day following final enactment.

Approved April 11, 1974.

CHAPTER 580—S.F.No.3323
[Coded in Part]

An act relating to the capitol area architectural and planning commission; re-defining the powers thereof; amending the powers of the commissioner of administration and of the Minnesota state historical society; appropriating money for a master plan implementation study; amending Minnesota Statutes 1971, Sections 15.50, Subdivisions 1, 3, and 6; 16.02, Subdivisions 5, 6 and 9; 16.025, Subdivision 1; 16.22; 16.23; 16.32, by adding a subdivision; 138.53, by adding a subdivision; and 138.68; Minnesota Statutes, 1973 Supplement, Sections 15.50, Subdivision 2; 16.02, Subdivision 10; repealing Minnesota Statutes 1971, Sections 15.50, Subdivisions 4 and 8; 138.67, Subdivision 3.

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

Section 1. CAPITOL AREA ARCHITECTURAL AND PLANNING COMMISSION. There is appropriated to the capitol area architectural and planning commission, from the general fund, the sum of \$93,000 for the purpose of delineating alternative means of implementing the official master plan of the capitol area architectural and planning commission adopted pursuant to Minnesota Statutes, Section 15.50. The commission shall undertake this work in cooperation with the departments and agencies of the city of St. Paul. Purposes for which the funds herein appropriated may be spent include, but are not limited to, the following activities:

(1) Building condition survey and determination of potential for rehabilitation and conservation;

(2) Determination of public improvement needs and vehicular and pedestrian circulation requirements;

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(3) Determination of need and feasibility for relocation activities;

(4) Identification of alternate methods of financing study implementation;

(5) Consultation with citizens residing in or operating places of business in the area;

Sec. 2. The commission shall make a report on its activities and findings, together with its recommendations, to the legislature and the governor in 1975.

Sec. 3. The funds appropriated in this act shall not lapse prior to the completion of the study.

Sec. 4. Minnesota Statutes 1971, Section 15.50, Subdivision 1, is amended to read:

15.50 CAPITOL AREA ARCHITECTURAL AND PLANNING COMMISSION. Subdivision 1. (a) The legislature finds that the purposes of the commission are to (1) preserve the dignity ~~and~~, beauty ~~and~~ architectural integrity of the capitol ~~and~~, the buildings immediately adjacent to it and the capitol grounds; (2) protect, enhance, and increase the open spaces within the capitol area when deemed necessary and desirable for the improvement of the public enjoyment thereof; (3) develop proper approaches to the capitol area for pedestrian movement, the highway system, and mass transit system so that the area achieves its maximum importance and accessibility; and (4) establish a flexible framework for growth of the capitol buildings which will be in keeping with the spirit of the original design.

(b) A capitol area architectural and planning commission, herein referred to as the commission, consisting of seven members is hereby created. The ~~governor lieutenant governor~~ shall be a member of the commission. Three members shall be appointed by the governor; ~~at least two of whom shall not be residents of Ramsey county~~; by and with the advice and consent of the senate; three members shall be appointed by the mayor of the city of Saint Paul, with the advice and consent of the city council. Each person appointed to the commission shall qualify by taking the oath of office. Effective following the end of terms of members expiring June 30, 1975, the number of members to be appointed by the governor shall increase to four and the number of members to be appointed by the mayor of the city of Saint Paul shall decrease to two.

(c) The term of all appointed members of the commission is four years; ~~except that one of the members first appointed by the governor and one of the members first appointed by the mayor shall be appointed for terms of two years. Thereafter the terms of such appointees shall be for four years.~~ Vacancies in any office shall be filled by the appointing authority and for the unexpired term. ~~The term of the~~

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~~first members of the commission shall commence on July 1, 1967.~~

(d) The ~~governor-lieutenant governor~~ is the chairman of the commission. The attorney general is the legal advisor to the commission. The commission may elect a vice chairman who may preside at meetings in the absence of the ~~governor-lieutenant governor~~ and such other officers as it may deem necessary to carry out its duties.

(e) The commission shall select an executive secretary to serve the commission. It may employ such other officers and employees as it may deem necessary all of whom shall be in the classified service of the state civil service. The commission may contract for professional and other similar service on such terms as it may deem desirable.

(f) The members of the commission ~~shall serve without compensation, but each shall be reimbursed for his expenses incurred in the performance of his duties, not including the chairman, shall receive upon application a sum of \$35 each for each day on which they are in attendance at meetings of the commission .~~

Sec. 5. Minnesota Statutes, 1973 Supplement, Section 15.50, Subdivision 2, is amended to read:

Subd. 2. (a) The commission shall prepare, prescribe, and from time to time amend a comprehensive use plan for the capitol area, herein called the area which shall initially consist of that portion of the city of Saint Paul comprehended within the following boundaries: Beginning at the point of intersection of the centerline of the Arch-Pennsylvania freeway and the centerline of Marion Street, thence southerly along the centerline of Marion Street to the north line of the right-of-way of Interstate Highway 94, thence easterly along the said north line to the centerline of Cedar Avenue, thence southeasterly along the centerline of Cedar Avenue to the centerline of Tenth Street, thence northeasterly along the centerline of Tenth Street to the centerline of Minnesota Street, thence northwesterly along the centerline of Minnesota Street to the centerline of Eleventh Street, thence northeasterly along the centerline of Eleventh Street to the centerline of Jackson Street, thence northwesterly along the centerline of Jackson Street to the centerline of the Arch-Pennsylvania freeway extended, thence westerly along the centerline of the Arch-Pennsylvania freeway extended and Marion Street to the point of origin. Pursuant to the comprehensive plan, or any portion thereof, the commission may regulate, by means of zoning regulations adopted pursuant to the administrative procedures act, the kind, character, height, and location, of buildings and other structures constructed or used, the size of yards and open spaces, the percentage of lots that may be occupied, and the uses of land, buildings and other structures, within the area. The violation of such zoning regulations shall be a misdemeanor. The commission may, at its option, proceed to abate any such violation by injunction. The commission and the city of St. Paul shall cooperate in assuring that the area adjacent to the capitol area is developed in a manner that is in

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keeping with the purpose of the commission and the provisions of the comprehensive plan.

(b) The commissioner of administration shall act as a consultant to the commission with regard to the physical structural needs of the state. He shall make studies and report the results to the commission when they request him to do so for their planning purpose.

(c) No public building, street, parking lot, or monument, or other construction shall be built or altered on any public lands within the area unless the plans for the same conforms to the comprehensive use plan as specified in clause (d) and to the requirement for competitive plans as specified in clause (e). No alteration substantially changing the external appearance of any existing public building approved in the comprehensive plan or the exterior or interior design of any proposed new public building the plans for which were secured by competition under clause (e), may be made without the prior consent of the commission. The commissioner of administration shall consult with the commission regarding internal changes having the effect of substantially altering the architecture of the interior of any proposed building.

(d) The comprehensive plan shall show the existing land uses and recommend future uses including: areas for public taking and use; zoning for private land and criteria for development of public land, including building areas and open spaces; vehicular and pedestrian circulation; utilities systems; vehicular storage; elements of landscape architecture. No substantial alteration or improvement shall be made to public lands or buildings in the area save with the written approval of the commission.

(e) The commission shall secure by competitions, plans for any new public building. Plans for any comprehensive plan, landscaping scheme, street plan, or property acquisition, which may be proposed, or for any proposed alteration of any existing public building, landscaping scheme or street plan may be secured by a similar competition. Such competition shall be conducted under rules prescribed by the commission and may be of any type which meets the competition standards of the American Institute of Architects. Designs selected shall become the property of the state of Minnesota and the commission may award one or more premiums in each such competition and may pay such costs and fees as may be required for the conduct thereof. At the option of the commission, plans for projects estimated to cost less than \$500,000 may be approved without competition provided such plans have been considered by the architectural committee described in clause (f). Plans for projects estimated to cost less than \$200,000 and for construction of streets need not be considered by the architectural committee if in conformity with the comprehensive plan.

(f) The commission shall not adopt any plan under clause (e) hereof unless it shall first receive the comments and criticism of a committee of three architects who have been selected and appointed as

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follows: one by the state arts council, one by the commission, and one by the Minnesota Society of the American Institute of Architects. Members of such committee shall not be contestants under clause (e) hereof. Such comments and criticism shall be a matter of public information. Such committee shall advise the commission on all architectural and planning matters. For that purpose:

(1) Such committee shall be kept currently informed concerning, and have access to, all data, including all plans, studies, reports and proposals, relating to the area as the same are developed or in the process of preparation whether by the ~~commission~~ commissioner of administration, the state planning director, the metropolitan council, the city of Saint Paul, or by any architect, planner, agency or organization, public or private, retained by the commission or not retained and engaged in any work or planning relating to the area. A copy of any such data prepared by any public employee or agency shall be filed with the commission promptly upon completion;

(2) The commission may employ such stenographic or technical help as may be reasonable to assist such committee perform its duties;

(3) When so directed by the commission; such committee may serve as, and any member or members thereof may serve on, the jury or as professional advisor for any architectural competition. The commission shall select the architectural advisor and jurors for any competition with the advice of the committee.

(g) The comprehensive plan for the area shall be developed and maintained in close cooperation with the state planning agency and the planning department and the council for the city of Saint Paul and the State Arts Council, and no such plan or amendment thereof shall be effective without 90 days' notice to the planning department of the city of Saint Paul and the State Arts Council.

(h) The commission and the commissioner of administration jointly, shall prepare, prescribe, and from time to time revise standards and policies governing the repair, alteration, furnishing, appearance and cleanliness of the public and ceremonial areas of the state capitol building. Pursuant to this power, the commission shall consult with the director of the Minnesota state historical society and receive his advice regarding the historic fidelity of plans for the capitol building. The standards and policies developed as herein provided shall be binding upon the commissioner of administration. The provisions of Minnesota Statutes, Sections 15.0411 to 15.0426 shall not apply to this clause.

(i) The commission in consultation with the commissioner of administration shall prepare and submit to the legislature and the governor no later than October 1 of each even-numbered year a report on the status of implementation of the comprehensive plan together with a program for capital improvements and site development, and the commissioner of administration shall provide the necessary cost esti-

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mates for such a program.

~~(h)-(j)~~ (i) The state shall, by the attorney general upon the recommendation of the commission and within appropriations available for that purpose, acquire by gift, purchase or eminent domain proceedings any real property situated in the area described in this section and it shall also have the power to acquire an interest less than a fee simple interest in the property, if it finds that it is needed for future expansion or beautification of the area.

~~(i)-(k)~~ (k) The commission is the successor of the state veterans' service building commission, and as such may adopt regulations and may reenact the regulations adopted by its predecessor under Laws 1945, Chapter 315, and acts amendatory thereof.

~~(j)-(l)~~ (l) The commission shall meet at the call of the chairman and at such other times as it may prescribe.

~~(k)~~ The members of the legislative building commission shall constitute an advisory commission to the capitol area architectural and planning commission. This architectural and planning commission may consult and confer with the advisory commission, but the advisory commission's recommendation shall be advisory only. The members of the advisory commission shall serve without compensation, but shall be reimbursed for their expenses when called upon to meet.

~~(l)-(m)~~ (m) The commissioner of administration is authorized to and shall assign quarters in the state veterans service building to (1) the department of veterans affairs of which such part as the commissioner of administration and commissioner of veterans affairs may mutually determine shall be on the first floor above the ground and (2) the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Military Order of the Purple Heart, United Spanish War Veterans, and Veterans of World War I, and their auxiliaries, incorporated, or when incorporated, under the laws of the state, and (3) as space becomes available to such other state departments and agencies as he may deem desirable.

Sec. 6. Minnesota Statutes 1971, Section 15.50, Subdivision 3, is amended to read:

Subd. 3. The administrative and planning expenses of the commission shall be borne equally by the state and by the city of Saint Paul; and in order to meet such expense the city may expend moneys currently in the city of Saint Paul Capitol Approach Improvement Fund established by Laws 1945, Chapter 315, and acts amendatory thereof, and may hold the moneys in said fund until expended in accordance herewith and when such funds have been expended such expense shall be borne by the state. The expenses of the commission for competition premiums, land acquisition or improvement or any other capital expenditures in or upon properties owned or to be owned by

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the state shall be borne by the state. The expenses of any other public body for such expenditures shall be borne by the body concerned. The city of Saint Paul shall hold moneys currently in the city of Saint Paul Capitol Approach Improvement Fund established by Laws 1945, Chapter 315, and acts amendatory thereof until such time as the legislature may require the commission to request these funds for planning and development purposes in the capitol area. Upon such request by the commission, the city shall expend such funds in the manner and for the purposes specified by the request.

~~If the moneys currently in the fund of the city of Saint Paul heretofore referred to are insufficient to meet the city's share of the administrative planning expenses of the commission, the city of Saint Paul shall have power, in addition to and exclusive of any limitation now or hereafter imposed by charter or statute upon its ability to levy taxes, to levy an ad valorem tax on all taxable property in an amount which will produce a sum equal to a levy of not more than one half mill upon such property, including shrinkage.~~

Sec. 7. Minnesota Statutes 1971, Section 15.50, Subdivision 6, is amended to read:

Subd. 6. (a) The city of Saint Paul shall have the power to convey without compensation therefor to the state any property owned by it within the boundaries of the capitol area pursuant to the plan adopted by the commission; and the state shall have the authority to transfer to the city of Saint Paul without compensation any property acquired by it for the purposes of Laws 1969, Chapter 1150, which lies within the street lines of the streets to be established as a part of the city's portion of said plan.

(b) The tax-forfeited lands which are held by the state in trust for the several taxing subdivisions of the state and which are within the boundaries of the capitol area as fixed by the plan recommended to the governor by the governor's advisory committee or by the plan adopted by the commission as provided in Laws 1969, Chapter 1150, shall not be subject to sale or repurchase under any act, now in effect or hereafter enacted unless it shall be expressly provided in such act that the provisions of Laws 1969, Chapter 1150, shall be superseded, modified or repealed.

(c) The county auditor of Ramsey county shall forthwith withdraw from sale or repurchase all lands referred to in clause (b) hereof.

(d) The commissioner of taxation shall have power upon application by the commission to release any lands referred to in clause (b) from the trust in favor of the taxing subdivisions of the state. Upon the execution of such release, the commissioner shall certify the fact of such release to the county auditor of Ramsey county. The forms of such release and certificate shall be prescribed by the attorney general.

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(e) Any member of the commission, or any employee thereof, who shall be financially interested, either directly or indirectly, in the location of the approach to the capitol, or in any contract, or part thereof, for the construction of the approach, or for any work connected therewith, or for the furnishing of any supplies or material therefor or for the sale of any real property therefor, so as to receive any financial benefits therefrom, or the promise of any financial benefit therefrom, either by way of commission, rebate, bonus, division of profits, or otherwise, shall be guilty of a felony and shall be incapable of holding any office or employment under the state. Neither any member of the commission, nor any person employed or retained by the commission shall have any financial interest, direct or indirect, in any business enterprise or activity, or in the construction or maintenance of facilities for such enterprise or activity, within the capitol area for which approval of the commission is in any way required by law. Any person violating the provisions of this paragraph shall be guilty of a gross misdemeanor

Sec. 8. Minnesota Statutes 1971, Section 16.02, Subdivision 5, is amended to read:

Subd. 5. To cause to be prepared plans and specifications for the construction, alteration, or enlargement of all state buildings, structures, and other improvements except highways and bridges; to approve such plans and specifications; provided that the preparation of such plans and specifications for the capitol area as defined in Minnesota Statutes 1971, Section 15.50 shall not be initiated, contracted for, or conducted without consultation with the capitol area architectural and planning commission insofar as such plans and specifications involve the public and ceremonial areas and the exterior of the capitol building and the lobbies, public concourses, and other features of other public buildings in the capitol area which the capitol area architectural and planning commission may deem to possess architectural significance, and provided further that the commissioner shall not approve or adopt any such plans and specifications for the capitol area unless such plans and specifications have received the approval of the capitol area architectural and planning commission; to advertise for bids and award all contracts in connection with such improvements; to supervise and inspect all work relating thereto; after any contract for such an improvement is let, to approve all lawful changes in plans and specifications, provided that the capitol area architectural and planning commission is advised of and gives its approval to, all such changes affecting projects within the capitol area as provided for in this subdivision; to approve estimates for payment; and to accept such improvements when completed according to such plans and specifications.

Sec. 9. Minnesota Statutes 1971, Section 16.02, Subdivision 6, is amended to read:

Subd. 6. To maintain and operate the state capitol building and grounds, subject to whatever standards and policies may be set for the

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appearance and cleanliness thereof by the capitol area architectural and planning commission and the commissioner of administration pursuant to Minnesota Statutes, 1973 Supplement, Section 15.50, Subdivision 2, Clause (h) , state office building, historical society building, the Normandale, Anoka-Ramsey, North Hennepin, Lakewood, Metropolitan, and South East Metropolitan Junior Colleges, the manpower services buildings in Minneapolis and St. Paul, the state department of health building, the surplus property building, and the grounds appertaining thereto, also, where deemed advisable and practicable by the commissioner, any other building or premises owned or rented by the state for the use of any state department or other administrative agency; provided, that this shall not apply to state hospitals or to educational, penal, correctional, or other institutions not enumerated in this subdivision the control of which is vested by law in some other agency.

Sec. 10. Minnesota Statutes 1971, Section 16.02, Subdivision 9, is amended to read:

Subd. 9. To supervise and control the making of necessary repairs to all state buildings and structures, except structures, other than buildings, under the control of the state highway department ; provided that all repairs to the public and ceremonial areas and the exterior of the state capitol building shall be carried out subject to the standards and policies of the capitol area architectural and planning commission and the commissioner of administration adopted pursuant to Minnesota Statutes, 1973 Supplement, Section 15.50, Subdivision 2, Clause (h) .

Sec. 11. Minnesota Statutes, 1973 Supplement, Section 16.02, Subdivision 10, is amended to read:

Subd. 10. **RENTAL OF LAND.** To rent land and other premises when necessary for state purposes. No such land or premises shall be rented for a term exceeding two years at a time; except that, with the approval of the legislative advisory committee, the commissioner may lease land or premises for a term not exceeding five years, subject to cancellation upon 30 days written notice by the state for any reason except rental of other land or premises for the same use ; provided further that the rental of non-state owned land and buildings, or substantial portions thereof, by the commissioner within the capitol area as defined in Minnesota Statutes 1971, Section 15.50 shall not take place unless the commissioner first consults with the capitol area architectural and planning commission . Lands needed by the department of highways for storage of vehicles or road materials may be rented for a term not exceeding five years without the approval of the legislative advisory committee, such leases for terms over two years being subject to cancellation upon 30 days written notice by the state for any reason except rental of other land or premises for the same use.

Sec. 12. Minnesota Statutes 1971, Section 16.025, Subdivision 1, is

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amended to read:

16.025 PERFORMANCE OF CERTAIN WORK FOR STATE AGENCIES. Subdivision 1. **NATURE OF WORK.** The commissioner of administration may repair, alter, or construct machinery, furniture, or other property for any officer, department, or agency of the state, or construct any partition or alter any arrangement of an office upon written requisition by such officer or the head of such department or agency. Any such requisitions involving the public or ceremonial areas of the state capitol building shall be executed in conformance with the policies and standards set for the capitol by the capitol area architectural and planning commission and the commissioner of administration pursuant to Minnesota Statutes, 1973 Supplement, Section 15.50, Subdivision 2, Clause (h). Such requisition shall be subject to the allotment and encumbrance provisions of Laws 1939, Chapter 431. In addition to the foregoing, the commissioner may provide centralized operation and maintenance services, excluding janitorial cleaning, for such state owned buildings as are specified in section 16.02, subdivision 6. The commissioner shall charge and collect for such services in the manner prescribed in section 16.025, subdivision 2 for repairs, alteration, or construction.

Sec. 13. Minnesota Statutes 1971, Section 16.22, is amended to read:

16.22 RIGHTS AND POWERS TRANSFERRED TO COMMISSIONER; EXCEPTIONS. All the rights, powers, and duties now by law imposed upon and vested in the commission of administration and finance, the constituent members thereof, the state printing commission, and the state expert printer, except those transferred by Laws 1939, Chapter 431, to the state auditor and the public examiner, are hereby transferred to and imposed upon the commissioner of administration. The commissioner of administration shall appoint a qualified printer, who shall be known as the state printer, and may delegate to him the exercise of the existing rights, powers, and duties heretofore appertaining to the state printing commissioner and the state expert printer, subject to the control of the commissioner. The commission of administration and finance is hereby abolished. The state printing commission is hereby abolished. The offices of comptroller, commissioner of the budget, commissioner of purchases, and state expert printer are hereby abolished. All the rights, powers and duties of the governor relating to the control, care, operation, and maintenance of the state capitol and grounds and to the appointment of employees therefor are hereby transferred to, vested in, and imposed upon the commissioner of administration ; provided that these rights, powers, and duties relating to the state capitol and grounds shall be exercised by the commissioner of administration according to the standards and policies for the appearance and cleanliness thereof set by the capitol area architectural and planning commission and the commissioner of administration pursuant to Minnesota Statutes, 1973 Supplement, Section 15.50, Subdivision 2, Clause (h) .

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Sec. 14. Minnesota Statutes 1971, Section 16.23, is amended to read:

16.23 OFFICE SPACE ASSIGNED. The commissioner shall assign and reassign the office space in the capitol and other state buildings so far as necessary to carry out the purposes of Laws 1939, Chapter 431, and to make an equitable division of available space among the several departments and agencies. The commissioner's assignments in the capitol shall be in keeping with the ceremonial character of the building and shall follow guidelines for the public and ceremonial areas of the capitol set by the capitol area architectural and planning commission.

Sec. 15. Minnesota Statutes 1971, Section 16.32, is amended by adding a subdivision to read:

Subd. 3. Notwithstanding any provision of this section to the contrary, plans for proposed new buildings and for features of existing public buildings in the capitol area which the capitol area architectural and planning commission shall deem to possess architectural significance shall be subject to the provisions of Minnesota Statutes, 1973 Supplement, Section 15.50, Subdivision 2, Clauses (c) and (e).

Sec. 16. Minnesota Statutes 1971, Section 138.53, is amended by adding a subdivision to read:

Subd. 61. The Minnesota state capitol in St. Paul.

Sec. 17. Minnesota Statutes 1971, Section 138.68, is amended to read:

138.68 SUPERVISION OF PRESERVATION. The works of art in the public and ceremonial areas of the state capitol are declared to possess historical value for the people of Minnesota. The Minnesota state historical society and the capitol area architectural and planning commission shall approve the design, structural composition, and location ; ~~repair or removal~~ of all public monuments, memorials or works of art presently located in the public and ceremonial areas of the state capitol or which shall be placed in such public or ceremonial areas after June 4, 1971. No public monument, memorial or work of art shall be relocated or removed from, or placed in such areas or altered or repaired in any way without the approval of the Minnesota state historical society. The Minnesota state historical society shall have final authority over the disposition of any monuments, memorials or works of art removed from the state capitol or the capitol grounds.

Sec. 18. Minnesota Statutes 1971, Sections 15.50, Subdivisions 4 and 8; and 138.67, Subdivision 3, are repealed.

Sec. 19. This act is effective the day following its final enactment.

Approved April 11, 1974.

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