

subdivision 3b, paragraph (b), clause (2), on the condition that the other requirements of that paragraph are met.

(i) (b) For a renovation authorized under section 144A.073 for a 65-bed nursing home in St. Louis county, the incremental increase in rental rate for purposes of paragraph (d) subdivision 17b shall be \$8.16, and the total replacement cost, allowable appraised value, allowable debt, and allowable interest shall be increased according to the incremental increase.

(j) (c) For a total replacement, as defined in paragraph (f) subdivision 17d, authorized under section 144A.073 involving a new building addition that relocates beds from three-bed wards for an 80-bed nursing home in Redwood county, the replacement-costs-new per bed limit shall be \$74,280 per licensed bed for multiple-bed rooms; \$92,850 per licensed bed for semiprivate rooms with a fixed partition separating the beds; and \$111,420 per licensed bed for single rooms. These amounts shall be adjusted annually, beginning January 1, 2001. Minnesota Rules, part 9549.0060, subpart 11, item C, subitem (2), does not apply. The resulting maximum allowable replacement-costs-new multiplied by 1.25 shall constitute the project's dollar threshold for purposes of application of the limit set forth in section 144A.071, subdivision 2. The commissioner of health may waive the requirements of section 144A.073, subdivision 3b, paragraph (b), clause (2), on the condition that the other requirements of that paragraph are met.

Sec. 3. CARRYFORWARD.

Of the amount appropriated in Laws 2001, First Special Session chapter 9, article 17, section 2, subdivision 9, paragraph (g), for nursing home moratorium exceptions under Minnesota Statutes, section 144A.073, \$94,562 allocated for a project in Nicollet county shall not cancel but shall be available to the commissioner of human services until expended for the additional medical assistance costs authorized in section 1.

Presented to the governor April 16, 2003

Signed by the governor April 17, 2003, 10:36 a.m.

CHAPTER 17—S.F.No. 768

An act relating to the capitol area architectural and planning board; revising the text of its enabling law to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without changing meaning; making conforming changes; providing revisor instructions; amending Minnesota Statutes 2002, section 15.50.

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

Section 1. Minnesota Statutes 2002, section 15.50, is amended to read:

15.50 CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD.

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Subdivision 1. **PURPOSE, MEMBERS, OFFICERS.** (a) The legislature finds that the purposes of the board are to (1) preserve and enhance the dignity, beauty and architectural integrity of the capitol, the buildings immediately adjacent to it, the capitol grounds, and the capitol area; (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) The capitol area architectural and planning board, herein referred to as the board, consists of ten members. The lieutenant governor shall be a member of the board. Four members shall be appointed by the governor; three members, one of whom shall be a resident of the district planning council area containing the capitol area, shall be appointed by the mayor of the city of Saint Paul, with the advice and consent of the city council. The speaker of the house shall appoint a member of the house of representatives and the president of the senate shall appoint one senator to be members of the board. Each person appointed to the board shall qualify by taking the oath of office.

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

(d) The board shall select an executive secretary to serve the board. 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 board may contract for professional and other similar service on such terms as it may deem desirable.

Subd. 2. **CAPITOL AREA PLAN.** (a) The board shall prepare, prescribe, and from time to time, after a public hearing, amend a comprehensive use plan for the capitol area, called the area in this subdivision, which consists of that portion of the city of Saint Paul comprehended within the following boundaries: Beginning at the point of intersection of the center line of the Arch-Pennsylvania freeway and the center line of Marion Street, thence southerly along the center line of Marion Street extended to a point 50 feet south of the south line of Concordia Avenue, thence southeasterly along a line extending 50 feet from the south line of Concordia Avenue to a point 125 feet from the west line of John Ireland Boulevard, thence southwesterly along a line extending 125 feet from the west line of John Ireland Boulevard to the south line of Dayton Avenue, thence northeasterly from the south line of Dayton Avenue to the west line of John Ireland Boulevard, thence northeasterly to the center line of the intersection of Old Kellogg Boulevard and Summit Avenue, thence northeasterly along the center line of Summit Avenue to the center line of the new West Kellogg Boulevard, thence southerly along the east line of the new West Kellogg Boulevard, to the east line of the right-of-way of Interstate Highway 35-E, thence northeasterly along the east line of the right-of-way of Interstate Highway 35-E to the south line of the

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right-of-way of Interstate Highway 94, thence easterly along the south line of the right-of-way of Interstate Highway 94 to the west line of St. Peter Street, thence southerly to the south line of Exchange Street, thence easterly along the south line of Exchange Street to the west line of Cedar Street, thence northerly along the west line of Cedar Street to the center line of Tenth Street, thence northeasterly along the center line of Tenth Street to the center line of Minnesota Street, thence northwesterly along the center line of Minnesota Street to the center line of Eleventh Street, thence northeasterly along the center line of Eleventh Street to the center line of Jackson Street, thence northwesterly along the center line of Jackson Street to the center line of the Arch-Pennsylvania freeway extended, thence westerly along the center line of the Arch-Pennsylvania freeway extended and Marion Street to the point of origin.

Under the comprehensive plan, or a portion of it, the board may regulate, by means of zoning rules adopted under the Administrative Procedure 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. To protect and enhance the dignity, beauty, and architectural integrity of the capitol area, the board is further empowered to include in its zoning rules design review procedures and standards with respect to any proposed construction activities in the capitol area significantly affecting the dignity, beauty, and architectural integrity of the area. No person may undertake these construction activities as defined in the board's rules in the capitol area without first submitting construction plans to the board, obtaining a zoning permit from the board, and receiving a written certification from the board specifying that the person has complied with all design review procedures and standards. Violation of the zoning rules is a misdemeanor. The board may, at its option, proceed to abate any violation by injunction. The board and the city of Saint Paul shall cooperate in assuring that the area adjacent to the capitol area is developed in a manner that is in keeping with the purpose of the board and the provisions of the comprehensive plan.

(b) The commissioner of administration shall act as a consultant to the board with regard to the physical structural needs of the state. The commissioner shall make studies and report the results to the board when it requests reports for its planning purpose.

(c) No public building, street, parking lot, or monument, or other construction may be built or altered on any public lands within the area unless the plans for the project conform to the comprehensive use plan as specified in paragraph (d) and to the requirement for competitive plans as specified in paragraph (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 paragraph (e) may be made without the prior consent of the board. The commissioner of administration shall consult with the board regarding internal changes having the effect of substantially altering the architecture of the interior of any proposed building.

(d) The comprehensive plan must show the existing land uses and recommend future uses including: areas for public taking and use; zoning for private land and

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criteria for development of public land, including building areas, open spaces, monuments, and other memorials; vehicular and pedestrian circulation; utilities systems; vehicular storage; elements of landscape architecture. No substantial alteration or improvement may be made to public lands or buildings in the area without the written approval of the board.

(e) The board shall secure by competitions plans for any new public building. Plans for any comprehensive plan, landscaping scheme, street plan, or property acquisition that 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. A competition must be conducted under rules prescribed by the board and may be of any type which meets the competition standards of the American Institute of Architects. Designs selected become the property of the state of Minnesota, and the board may award one or more premiums in each competition and may pay the costs and fees that may be required for its conduct. At the option of the board, plans for projects estimated to cost less than \$1,000,000 may be approved without competition provided the plans have been considered by the advisory committee described in paragraph (h). Plans for projects estimated to cost less than \$400,000 and for construction of streets need not be considered by the advisory committee if in conformity with the comprehensive plan.

(f) Notwithstanding paragraph (e), an architectural competition is not required for the design of any light rail transit station and alignment within the capitol area. The board and its advisory committee shall select a preliminary design for any transit station in the capitol area. Each stage of any station's design through working drawings must be reviewed by the board's advisory committee and approved by the board to ensure that the station's design is compatible with the comprehensive plan for the capitol area and the board's design criteria. The guideway and track design of any light rail transit alignment within the capitol area must also be reviewed by the board's advisory committee and approved by the board.

(g) Of the amount available for the light rail transit design, adequate funds must be available to the board for design framework studies and review of preliminary plans for light rail transit alignment and stations in the capitol area.

(h) The board may not adopt any plan under paragraph (e) unless it first receives the comments and criticism of an advisory committee of three persons, each of whom is either an architect or a planner, who have been selected and appointed as follows: one by the board of the arts, one by the board, and one by the Minnesota Society of the American Institute of Architects. The authority for appointment of an advisory committee does not expire. Members of the committee may not be contestants under paragraph (e). The comments and criticism must be a matter of public information. The committee shall advise the board on all architectural and planning matters. For that purpose, the committee must be kept currently informed concerning, and have access to, all data, including all plans, studies, reports and proposals, relating to the area as the data are developed or in the process of preparation, whether by the commissioner of administration, the commissioner of trade and economic development, the metropolitan council, the city of Saint Paul, or by any architect, planner, agency or organization,

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public or private, retained by the board or not retained and engaged in any work or planning relating to the area, and a copy of any data prepared by any public employee or agency must be filed with the board promptly upon completion.

The board may employ stenographic or technical help that may be reasonable to assist the committee to perform its duties.

When so directed by the board, the committee may serve as, and any member or members of the committee may serve on, the jury or as professional advisor for any architectural competition, and the board shall select the architectural advisor and jurors for any competition with the advice of the committee.

The city of Saint Paul shall advise the board.

(i) The comprehensive plan for the area must be developed and maintained in close cooperation with the commissioner of trade and economic development, the planning department and the council for the city of Saint Paul, and the board of the arts, and no plan or amendment of a plan may be effective without 90 days' notice to the planning department of the city of Saint Paul and the board of the arts and without a public hearing with opportunity for public testimony.

(j) The board 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. The board shall consult with and receive advice from the director of the Minnesota state historical society regarding the historic fidelity of plans for the capitol building. The standards and policies developed under this paragraph are binding upon the commissioner of administration. The provisions of chapter 14, including section 14.386, do not apply to this paragraph.

(k) The board 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 estimates for the program. The board shall report any changes to the comprehensive plan adopted by the board to the committee on governmental operations and gambling of the house of representatives and the committee on governmental operations and reform of the senate and upon request shall provide testimony concerning the changes. The board shall also provide testimony to the legislature on proposals for memorials in the capitol area as to their compatibility with the standards, policies, and objectives of the comprehensive plan.

(l) The state shall, by the attorney general upon the recommendation of the board 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 may also acquire an interest less than a fee simple interest in the property, if it finds that the property is needed for future expansion or beautification of the area.

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(m) The board is the successor of the state veterans service building commission, and as such may adopt rules and may reenact the rules adopted by its predecessor under Laws 1945, chapter 315, and amendments to it.

(n) The board shall meet at the call of the chair and at such other times as it may prescribe.

(o) The commissioner of administration shall assign quarters in the state veterans service building to (1) the department of veterans affairs, of which a part that the commissioner of administration and commissioner of veterans affairs may mutually determine must 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 other state departments and agencies as the commissioner may deem desirable.

Subd. 2a. **MEMBERSHIP TERMS, COMPENSATION, REMOVAL, VACANCIES.** The membership terms, compensation, removal of members and filling of vacancies on the board shall be as provided in section 15.0575.

Subd. 3. **ADMINISTRATIVE AND PLANNING EXPENSES.** With the exception of the administrative and planning expenses of the board for federally funded capital expenditures, the board's administrative and planning expenses shall be borne by the state. If federal money is available for capital expenditures, the board's administrative and planning expenses must be reimbursed to the state upon receipt of that money. State agencies and other public bodies considering capitol area projects shall consult with the board prior to developing plans for capital improvements or capital budget proposals for submission to the legislature and governor. These public agencies shall provide adequate funds for the board's review and planning purposes if the board determines its review and planning services are necessary. The expenses of the board for competition premiums, land acquisition or improvement or any other capital expenditures in or upon properties owned or to be owned by 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 may expend moneys currently in the city of Saint Paul Capitol Approach Improvement Fund established by Laws 1945, chapter 315, and acts amendatory thereof for capital improvements contained in the city's approved capital improvement budget. The budget is to be adopted in accordance with provisions contained in the city charter.

Subd. 6. **LAND CONVEYANCES.** (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 board; 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

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as fixed by the plan recommended to the governor by the governor's advisory committee or by the plan adopted by the board as provided in Laws 1969, chapter 1150, shall not, except as provided in this subdivision, 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.

The following procedure shall be used with respect to the tax-forfeited lands within the boundaries of the capitol area:

(1) When the state gains custody of the tax-forfeited lands in the capitol area which are to be held in trust for taxing subdivisions of the state, the Ramsey county board of commissioners shall compile a list of these lands after the fee ownership has been recorded in the county recorder's office and submit the list to the board. The list shall include a property description of the tax-forfeited parcel and a listing of the buildings or structures thereon.

(2) Within 90 calendar days after receipt of the Ramsey county board of commissioners' list, the board, at its discretion, may: (i) direct the commissioner of revenue to release the tax-forfeited parcel from the trust for the taxing subdivision of the state, which action shall vest unencumbered title to the property in the name of the state; or (ii) authorize the parcel to be disposed of pursuant to chapter 282, provided that the parcel be thereafter utilized in accord with a portion or all of the standards, policies or guidelines in the board's comprehensive use plan. All conveyances of property under subclauses (i) and (ii) shall be subject to any restrictive easements which the board may determine to be necessary for implementation of the comprehensive plan. Any parcel which became tax-forfeited before February 28, 1982 shall be conveyed pursuant to this section without compensation.

(3) If the board fails to act within the prescribed 90-day period, the tax-forfeited parcel's disposition shall be governed by chapter 282.

(4) Unless and until the commissioner of revenue releases a tax-forfeited parcel from the trust for the taxing subdivision and during the aforementioned 90-day waiting period, the Ramsey county board of commissioners is authorized to maintain the parcel to minimize risks to persons and property contiguous to the parcel. If the parcel is conveyed from the trust to the state, the commissioner of administration shall assume these maintenance responsibilities.

(d) The commissioner of revenue shall, upon application by the board, 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.

(e) Neither any member of the board, nor any person employed or retained by the board 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 board is in any way required

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by law. Any person violating the provisions of this paragraph shall be guilty of a gross misdemeanor:

(f) At any time after acquiring a tax-forfeited parcel of property pursuant to the provisions of this subdivision, the board may direct the commissioner of administration to convey the parcel of property by quitclaim deed to the city of Saint Paul housing and redevelopment agency. The conveyance of property shall be without compensation and shall be subject to any restrictive easements which the board may determine to be necessary for implementation of the comprehensive plan.

Subd. 7. **ADVERTISING.** No advertising devices may be erected after June 10, 1969, within the boundaries of the capitol area unless done so pursuant to reasonable rules of the board. "Advertising device" means any billboard, sign, poster, display or other device visible to and primarily intended to advertise or to attract, and shall include any structure erected primarily for use in connection with the display of any such device and all lighting or other attachments used in connection therewith. Advertising devices to advertise a business conducted on the premises where the advertising device is located may be permitted and erected in accordance with reasonable rules established by the board. Advertising devices which do not meet the requirements of the rules may be ordered by the board to be removed. The owner of the advertising device and the owner of the real property involved shall be paid just compensation for their interests affected.

Any person who shall violate the provisions of this section shall be guilty of a misdemeanor.

Subd. 9. **CAPITAL BUDGET REQUESTS.** For capital budget requests in the capitol area as defined in subdivision 2, paragraph (a), the commissioner of administration shall consult with the capitol area architectural and planning board regarding building sites and design standards.

Subd. 10. **NATIVE VEGETATION PLANTING.** As part of its comprehensive plan and adopted zoning rules, the board shall give priority to the planting of native trees and shrubs, or native grasses wherever appropriate, within the capitol area.

Subdivision 1. PURPOSES. The purposes of the capitol area architectural and planning board are:

(1) to preserve and enhance the dignity, beauty, and architectural integrity of the capitol, the buildings immediately adjacent to it, the capitol grounds, and the capitol area;

(2) to protect, enhance, and increase the open spaces within the capitol area when considered necessary and desirable to improve the public enjoyment of them;

(3) to develop proper approaches to the capitol area for pedestrians, the highway system, and mass transit system so that the area achieves its maximum importance and accessibility; and

(4) to establish a flexible framework for growth of the capitol buildings in keeping with the spirit of the original design.

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Subd. 2. MEMBERSHIP, APPOINTERS; OATH QUALIFIES. (a) The capitol area architectural and planning board, called the board or the CAAPB in this chapter, has ten members.

(b) The lieutenant governor is a member.

(c) The governor must appoint four members.

(d) The mayor of St. Paul must appoint three members with the advice and consent of the city council. One of the mayor's appointees must be a resident of the planning council district that includes the capitol area.

(e) The speaker of the house must appoint a member of the house of representatives and the president of the senate must appoint a senator.

(f) Each appointee must qualify by taking the oath of office.

Subd. 3. OFFICERS; LEGAL ADVISOR. (a) The lieutenant governor is the chair of the board.

(b) The attorney general is the legal advisor to the board.

(c) The board may elect a vice-chair. The vice-chair may preside at meetings in the absence of the lieutenant governor.

(d) The board may elect any other officers that it considers necessary to carry out its duties.

Subd. 4. EXECUTIVE SECRETARY, CLASSIFIED PERSONNEL, CONTRACTORS. (a) The board must appoint an executive secretary to serve the board.

(b) The board may employ any other officers and employees it considers necessary. Those employed under this paragraph are in the state classified civil service.

(c) The board may contract for professional and other similar services on the terms it considers desirable.

Subd. 5. COMPREHENSIVE USE PLAN REQUIRED. The board must have, and prescribe for the capitol area, a comprehensive use plan called the comprehensive plan in this chapter.

Subd. 6. CAPITOL AREA DESCRIBED. (a) The capitol area is that part of the city of St. Paul inside the boundary described in paragraph (b).

(b)(1) Beginning at the point of intersection of the center line of Pennsylvania Avenue and the center line of Marion Street;

(2) then go southerly along the center line of Marion Street and its extension to a point 50 feet southerly of the south curb of Concordia Avenue;

(3) then, southeasterly along a line 50 feet southerly of, and parallel with, the south curb of Concordia Avenue to a point 125 feet westerly of the west curb of southbound John Ireland Boulevard;

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(4) then, southwesterly along a line 125 feet westerly of, and parallel with, the west curb of southbound John Ireland Boulevard to the south curb of Dayton Avenue;

(5) then, easterly along the south curb of Dayton Avenue to the west curb of southbound John Ireland Boulevard;

(6) then, northeasterly in a straight line to the intersection of the center line of Old Kellogg Boulevard and the center line of Summit Avenue;

(7) then, northeasterly along the center line of Summit Avenue to the center line of eastbound new West Kellogg Boulevard;

(8) then, southeasterly along the center line of eastbound and then, southbound new West Kellogg Boulevard to the easterly right-of-way line of Interstate Highway 35-E;

(9) then, northeasterly along the easterly right-of-way line of Interstate Highway 35-E to the southerly right-of-way line of Interstate Highway 94;

(10) then, easterly along the southerly right-of-way line of Interstate Highway 94 to the west curb of St. Peter Street;

(11) then, southeasterly along the west curb of St. Peter Street to the south curb of Exchange Street;

(12) then, northeasterly along the south curb of Exchange Street to the west curb of Cedar Street;

(13) then, northwesterly along the west curb of Cedar Street to the center line of Tenth Street;

(14) then, northeasterly along the center line of Tenth Street to the center line of Minnesota Street;

(15) then, northwesterly along the center line of Minnesota Street to the center line of Eleventh Street;

(16) then, northeasterly along the center line of Eleventh Street to the center line of Jackson Street;

(17) then, northerly along the center line of Jackson Street to the center line of Pennsylvania Avenue;

(18) then, westerly along the center line of Pennsylvania Avenue and its extension to the point of beginning.

Subd. 7. **BOARD MAY ADOPT ZONING RULES.** (a) Under the comprehensive plan, the board may regulate in the capitol area:

(1) the kind, character, height, and location of buildings and other structures;

(2) the size of yards and open spaces;

(3) the percentage of lots to be occupied; and

(4) the uses of land, buildings, and other structures.

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(b) The regulation must be done by zoning rules adopted under chapter 14, the Administrative Procedure Act.

Subd. 8. CONSTRUCTION STANDARDS AND DESIGN-REVIEW PROCEDURES. The board, in its zoning rules, may include standards and design-review procedures for proposed construction in the capitol area that significantly affect the area's dignity, beauty, and architectural integrity.

Subd. 9. PREREQUISITES TO CONSTRUCTION. (a) A person must not begin construction in the capitol area until after completing the steps in paragraph (b).

(b) The person must:

(1) submit the construction plans to the board;

(2) secure a zoning permit from the board; and

(3) secure a certificate from the board stating that the person has complied with the board's standards and design-review procedures.

(c) The board must define construction in its rules.

Subd. 10. ZONING VIOLATION IS A MISDEMEANOR. A person who violates a zoning rule of the board is guilty of a misdemeanor.

Subd. 11. ABATEMENT BY INJUNCTION. The board may move to abate, by injunction, a violation of its zoning rules.

Subd. 12. HARMONIZE NEARBY DEVELOPMENT. The board and the city of St. Paul must cooperate to ensure that the area adjacent to the capitol area is developed in keeping with the purposes of the board and with the comprehensive plan.

Subd. 13. ADMINISTRATION COMMISSIONER MUST CONSULT, DO STUDIES. The commissioner of administration must:

(1) act as a consultant to the board on the physical structural needs of the state; and

(2) do studies and report the results to the board when the board requests reports for its planning.

Subd. 14. NEED TO FOLLOW COMPREHENSIVE PLAN, HAVE COMPETITION. (a) No construction on public land in the capitol area may take place unless the comprehensive plan and the requirement for a competition under subdivision 18 are followed. However, under subdivision 21 the board may waive the requirement of a competition; and under subdivision 22 a competition is not required.

(b) Some examples of construction under paragraph (a) are building or changing (1) a public building; (2) a street; (3) a parking lot; or (4) a monument.

Subd. 15. BOARD MUST PREAPPROVE CHANGES. No substantial change to what is described in clause (1) or (2) may be made until after the board consents to the change:

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(1) the external appearance of a public building existing before July 1, 1967, that is approved in the comprehensive plan; or

(2) the exterior or interior design of a new public building proposed after April 11, 1974, whose plans are secured by competition under subdivision 18.

Subd. 15a. CHANGES AFFECTING INTERIOR ARCHITECTURE. The commissioner of administration must consult with the board about internal changes that bring about substantial changes to the architecture of the interior of a proposed building.

Subd. 16. COMPREHENSIVE PLAN MUST SHOW LAND USES. The comprehensive plan must show the current uses and recommend future uses of land including, but not limited to:

(1) areas for public taking and use;

(2) zoning for private land and criteria for development of public land, including, but not limited to, building areas, open spaces, and monuments and other memorials;

(3) circulation of vehicles and pedestrians;

(4) utility systems;

(5) storage of vehicles; and

(6) elements of landscape architecture.

Subd. 17. WRITTEN APPROVAL FOR CHANGE. No substantial change or improvement may be made to public lands or public buildings in the capitol area without the written approval of the board.

Subd. 18. REQUIRED AND PERMITTED COMPETITIONS. (a) The board must secure plans for a new public building by a competition.

(b) A competition also may be used for plans for a proposed (1) comprehensive plan; (2) landscaping scheme; (3) street plan; (4) property acquisition; or (5) change to a public building, landscaping scheme, or street plan.

(c) The competition must be conducted under rules adopted by the board.

(d) The competition must be of a type that meets the competition standards of the American Institute of Architects.

Subd. 19. STATE OWNS WINNING DESIGN. When a design is selected in a competition it becomes the property of the state.

Subd. 20. PREMIUMS, COSTS. The board may award premiums in a competition and may pay the costs and fees required to conduct it.

Subd. 21. COMPETITION WAIVER. (a) Notwithstanding subdivision 18, the board, without a competition, may approve plans for a project estimated to cost less than \$1,000,000.

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(b) The plans still must have been considered by the advisory committee established under subdivision 24.

(c) Notwithstanding paragraph (b), the advisory committee need not consider projects that are in conformity with the comprehensive plan and that are:

(1) to construct a street; or

(2) estimated to cost less than \$400,000.

Subd. 22. LIGHT RAIL STATION AND ALIGNMENT. (a) Notwithstanding subdivision 18, an architectural competition is not required for the design of a light rail transit station or of light rail transit alignment within the capitol area.

(b) The board and its advisory committee must select a preliminary design for each transit station in the capitol area.

(c) Then, each stage of a station's design through working drawings must be reviewed by the board's advisory committee and be approved by the board. The review and approval are to ensure that the station's design is compatible with the comprehensive plan and the board's design criteria.

(d) The guideway and track design of light rail transit alignment within the capitol area also must be reviewed by the board's advisory committee and be approved by the board.

(e) From the money available for the light rail transit design, adequate money must be available to the board for design-framework studies and for review of preliminary plans for light rail transit alignment and stations in the capitol area.

Subd. 23. NECESSITY OF ADVISORY COMMITTEE REVIEW. The board must not approve a plan for a new public building under subdivision 18, 21, or 22, unless it first receives the comments and criticism of the advisory committee established under subdivision 24 or unless the plan is excepted from the consideration of the advisory committee under subdivision 21.

Subd. 24. ADVISORY COMMITTEE. (a) A three-member advisory committee to the CAAPB is established. Each of the three must be either an architect or a planner. One must be appointed by the CAAPB; one, by the state board of the arts; and one, by the Minnesota Society of the American Institute of Architects.

(b) The advisory committee must advise the CAAPB on all architectural and planning matters.

(c) Notwithstanding section 15.059, subdivision 5, or other law, the authority for appointment of an advisory committee does not expire.

(d) An advisory committee member must not be a contestant in a CAAPB competition.

Subd. 25. DATA OF AND TO THE ADVISORY COMMITTEE. (a) The advisory committee's comments and criticism under subdivision 23 are public data under section 13.03, subdivision 1.

New language is indicated by underline, deletions by strikeout.

(b) To advise the board on all architectural and planning matters, the advisory committee must be kept current about, and have access to, all data relating to the capitol area as the data is developed or being prepared. Some examples of these types of data are plans, studies, reports, and proposals.

(c) The obligation under paragraph (b) extends to data developed or being prepared by (1) the commissioner of administration; (2) the commissioner of trade and economic development; (3) the metropolitan council; (4) the city of St. Paul; or (5) one who is an architect, planner, agency, or organization and who is engaged in any work or planning relating to the capitol area.

(d) Paragraph (c), clause (5), applies to all the developers or preparers whether they are public or private and whether or not they are retained by the board.

(e) If the data described in paragraph (b) is from a public employee or public agency it must be filed with the board promptly after it is prepared.

(f) The board may employ a reasonable amount of clerical and technical help to assist the committee to do its duties.

(g) When directed by the board, the advisory committee may serve as, or any of its members may serve on, the jury for a competition or as the architectural advisor for a competition under subdivision 18.

(h) The board must get the advice of its advisory committee before selecting the architectural advisor or jurors for a competition.

Subd. 26. **ST. PAUL'S ADVISORY DUTY.** The city of St. Paul must advise the board.

Subd. 27. **COOPERATION WITH CITY; DTED, ARTS BOARD.** The CAAPB must develop and maintain the comprehensive plan in close cooperation with the trade and economic development commissioner, St. Paul's planning department and city council, and the state board of the arts.

Subd. 28. **AMENDMENT PREREQUISITES.** An amendment to the comprehensive plan does not take effect until after the CAAPB:

(1) gives 90 days' notice of the amendment to the St. Paul planning department and the state board of the arts; and

(2) conducts a public hearing on the amendment with an opportunity for public testimony at the hearing.

Subd. 29. **CAPITOL STANDARDS, POLICIES; NOT UNDER APA.** (a) The board and the commissioner of administration, jointly, must have, prescribe, and periodically revise their standards and policies on the repair, furnishing, appearance, and cleanliness of, and change to, the public and ceremonial areas of the capitol.

(b) The standards and policies are binding on the commissioner.

(c) Section 14.386 and the rest of chapter 14, the Administrative Procedure Act, do not apply to this subdivision.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 30. **CONSULT WITH HISTORICAL SOCIETY.** The board must consult with and receive advice from the director of the Minnesota state historical society on the historic fidelity of plans for the capitol.

Subd. 31. **BIENNIAL REPORT TO LEGISLATURE.** (a) The board, after consulting with the commissioner of administration, must report to the legislature and the governor before October 2 of each even-numbered year.

(b) The report must describe the status of implementing the comprehensive plan.

(c) The report must also include a program for capital improvements and site development. The commissioner of administration must provide the necessary cost estimates for the program.

Subd. 32. **LEGISLATURE TO GET PLAN CHANGES.** (a) A change to the comprehensive plan that is adopted by the board must then be reported by the board to the legislative committees with jurisdiction over state governmental operations policy.

(b) If asked, the board must give testimony on the changes.

Subd. 33. **TESTIMONY ON MEMORIALS.** (a) The board must give testimony to the legislature on any proposal for a memorial in the capitol area.

(b) The testimony must deal with the proposal's compatibility with the standards, policies, and objectives of the comprehensive plan.

Subd. 34. **CAPITOL AREA LAND ACQUISITION.** (a) The state, on recommendation of the board and within appropriations available for the purpose, must acquire by gift, purchase, or eminent domain proceedings, any real property in the capitol area if the board finds that the property is needed to expand or beautify the area. The acquisition may be of less than a fee simple interest in the property.

(b) The acquisition must be made for the state by the attorney general.

Subd. 35. **GENERAL RULEMAKING AUTHORITY.** The board may adopt rules under chapter 14, the Administrative Procedure Act, that it believes are needed and reasonable to accomplish the purposes of this chapter.

Subd. 36. **WHEN DOES THE BOARD MEET?** The board must meet at the call of the chair and may meet at other times that it sets.

Subd. 37. **VETERANS SERVICE BUILDING TENANTS.** (a) The commissioner of administration must assign quarters in the veterans service building to the department of veterans affairs. Some of what is assigned, as mutually determined with the commissioner of veterans affairs, must be on the first floor.

(b) The commissioner of administration must also assign space in the veterans service building to:

- (1) the American Legion;
- (2) Veterans of Foreign Wars;

New language is indicated by underline, deletions by strikeout-

- (3) Disabled American Veterans;
- (4) Military Order of the Purple Heart;
- (5) Veterans of World War I;
- (6) auxiliaries of the groups in clauses (1) to (5), if incorporated in Minnesota; and
- (7) as space becomes available and as the commissioner of administration considers desirable, to other state departments and agencies.

Subd. 38. **TERMS, PAY, REMOVAL, VACANCIES.** The membership terms, compensation, and removal of board members and filling of vacancies on the board are governed by section 15.0575.

Subd. 39. **ADMINISTRATIVE AND PLANNING EXPENSES.** (a) Except as provided in paragraph (b), the state must pay the administrative and planning expenses of the board.

(b) The administrative and planning expenses of the board for federally funded capital expenditures must be reimbursed to the state from the federal money as soon as it is received.

Subd. 40. **PUBLIC BODIES WITH CAPITOL AREA PROPOSALS.** (a) Before a state agency or other public body develops, to submit to the legislature and the governor, a budget proposal or plans for capital improvements within the capitol area, it must consult with the board.

(b) The public body must provide enough money for the board's review and planning if the board decides its review and planning services are necessary.

Subd. 41. **PREMIUM AND OTHER CAPITAL EXPENSES.** (a) The state must pay the board's expenses for (1) competition premiums; (2) land acquisition in the capitol area; and (3) capital improvements in the capitol area to property owned or to be owned by the state.

(b) A public body other than the board that has its own expenses of the kinds described in paragraph (a), clauses (1) to (3), must pay them itself.

Subd. 42. **PROPERTY TO AND FROM ST. PAUL.** (a) The city of St. Paul may convey to the state, without compensation, any property within the capitol area that is owned by the city.

(b) The state may transfer to the city, without compensation, any property acquired for the purposes in subdivision 1 within the street lines of streets established as a part of the city's part of the comprehensive plan.

(c) Capitol area tax-forfeited land held by the state in trust for its taxing subdivisions is not subject to sale or repurchase except as provided in this subdivision and subdivision 43 unless a law expressly changes or supersedes this subdivision or subdivision 43 to provide otherwise.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 43. AREA TAX-FORFEITED LANDS. (a) This subdivision governs the treatment of tax-forfeited lands in the capitol area. Sections 383A.17 and 383A.76 relating to Ramsey county also may apply.

(b)(1) When the state gains custody of a tax-forfeited parcel in the capitol area, the state's fee ownership of the parcel held in trust for the state's taxing subdivisions must be recorded in the county recorder's office.

(2) Then, the Ramsey county board must submit to the CAAPB the property description of the parcel with a list of the structures on the parcel.

(c) Within 90 calendar days after receiving the county board's submission, the CAAPB may either:

(1) direct the commissioner of revenue to release the tax-forfeited parcel from the trust for the taxing subdivisions of the state, thus vesting unencumbered title to the property in the name of the state; or

(2) authorize the parcel to be disposed of according to chapter 282, but only if the parcel is then used in accordance with some or all of the standards, policies, and guidelines of the comprehensive plan.

(d) If the CAAPB fails to act on the parcel within the 90 days, the parcel's disposition is governed by chapter 282.

(e) A conveyance under paragraph (c), clauses (1) and (2), is subject to the restrictive easements that the CAAPB determines to be necessary to implement the comprehensive plan.

(f) Until the parcel is released from the trust and during the 90-day period referred to in paragraphs (c) and (d), the county board has the authority to maintain the parcel to minimize risk to persons and to contiguous property.

(g) If the parcel is released from the trust and conveyed unencumbered to the state, the commissioner of administration must maintain the parcel.

(h) When the board directs the commissioner of revenue to release a parcel under paragraph (c), clause (1):

(1) the commissioner of revenue must release the parcel from the trust in favor of the taxing jurisdiction of the state; and

(2) on executing the release, the commissioner of revenue must certify the release to the county auditor.

(i) The attorney general must prescribe the forms of the release and the certificate described in paragraph (h).

Subd. 44. CONVEYANCES TO ST. PAUL HRA. (a) The board may direct the commissioner of administration to convey a parcel to the St. Paul housing and redevelopment agency after the parcel vests, unencumbered, in the state under subdivision 42 or 43.

New language is indicated by underline, deletions by ~~strikeout~~.

(b) The conveyance must be without compensation and made by quitclaim deed, and is subject to any restrictive easements the board determines to be necessary to implement the comprehensive plan.

Subd. 45. ELEMENTS OF FINANCIAL CONFLICT OF INTEREST. (a) A person has a conflict of interest under this subdivision if:

(1) the person is a board member, or is employed or retained by the board;

(2) the person has a financial interest in a business enterprise or activity within the capitol area, or in constructing or maintaining a facility within the capitol area for the enterprise or activity; and

(3) the board's approval is in any way required by law for the business enterprise or activity or for constructing or maintaining the facility.

(b) For purposes of this subdivision, it does not matter whether the financial interest mentioned in paragraph (a), clause (2), is direct or indirect.

Subd. 46. CONFLICT IS GROSS MISDEMEANOR. A person who has a conflict of interest under subdivision 45 is guilty of a gross misdemeanor.

Subd. 47. BOARD RULES CONTROL OUTDOOR ADVERTISING. (a) No advertising devices may be erected within the boundaries of the capitol area unless done so pursuant to rules of the board.

(b) "Advertising device" means any billboard, sign, poster, display, or other device visible to and primarily intended to advertise or to attract, and includes:

(1) a structure erected primarily for use in connection with the display of an advertising device; and

(2) all lighting and other attachments used in connection with the advertising device.

(c) Advertising devices to advertise a business conducted on the premises where the advertising is located may be permitted and erected according to rules adopted by the board.

(d)(1) Advertising devices that do not comply with the board's rules may be ordered by the board to be removed.

(2) The owner of the advertising device and the owner of the real property involved must be paid just compensation for their interests that are affected by the removal.

Subd. 48. ADVERTISING VIOLATION IS MISDEMEANOR. A person who violates subdivision 47 is guilty of a misdemeanor.

Subd. 49. ADMINISTRATION COMMISSIONER TO CONSULT ON CAPITAL REQUESTS. The commissioner of administration must consult with the board about building sites and design standards for capital budget requests in the capitol area.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 50. PRIORITY FOR NATIVE VEGETATION. The board, as part of its comprehensive plan and adopted zoning rules, must give priority to planting native trees and shrubs, or native grasses wherever appropriate, within the capitol area.

Sec. 2. REVISOR'S INSTRUCTIONS.

(a) The revisor must organize the newly subdivided Minnesota Statutes, section 15.50, into a new chapter of Minnesota Statutes.

(b) The revisor must organize the subdivisions in this act into several sections, as appropriate, under its powers in Minnesota Statutes, chapter 3C.

(c) The revisor must place new subdivision 37 in an appropriate place in Minnesota Statutes, chapter 16B.

(d) After the text is reorganized under paragraph (b), references to Minnesota Statutes, section 15.50, that appear in Minnesota Rules must be changed by the revisor to the appropriate references.

(e) After the text is reorganized under paragraph (b), references to Minnesota Statutes, section 15.50, that appear elsewhere in Minnesota Statutes must be changed by the revisor to the appropriate references.

Sec. 3. NO CHANGE IN MEANING; EFFECT OF MULTIPLE AMENDMENTS.

(a) The legislature intends the changes in the law amended by this act to be changes in style and form only. No change in meaning is intended.

(b) If a provision is amended by this act and also by another act adopted in 2003 and the provisions cannot be edited together in Minnesota Statutes, the provision in this act is of no effect.

Presented to the governor April 16, 2003

Signed by the governor April 17, 2003, 10:45 a.m.

CHAPTER 18—S.F.No. 1095

An act relating to veterans affairs; clarifying that certain benefits are limited to state residents; amending Minnesota Statutes 2002, section 197.05.

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

Section 1. Minnesota Statutes 2002, section 197.05, is amended to read:

197.05 FUND, HOW EXPENDED.

(a) The state soldiers' assistance fund shall be administered by the commissioner of veterans affairs and shall be used to locate and investigate the facts as to any citizen

New language is indicated by underline, deletions by ~~strikeout~~.