

CHAPTER 315—H. F. No. 313

An act relating to the State Capitol, the buildings, including a new Veterans Service Building, and the grounds thereof, prescribing penalties for violations thereof, appropriating money therefor, and, among other provisions, granting certain powers to and imposing certain duties upon the city of St. Paul.

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

Section 1. Purpose. The State of Minnesota declares that it is fitting and proper that the sacrifices and service freely given by the men and women of Minnesota as members of the armed forces of our country during the wars which it has fought for the preservation of freedom be recognized by the people of Minnesota through the construction and maintenance of a War Veterans Service Building upon enlarged and beautified capitol grounds.

Sec. 2. Commission created. Subdivision 1. **Membership.** There is hereby created a State Veterans Service Building Commission, hereinafter referred to as the commission, which shall consist of one member from each congressional district in the state and two members at large, who shall be appointed by the governor with the advice and consent of the senate. The governor shall be, ex-officio, the presiding officer of the commission but shall not be a member thereof except for the purpose of presiding over its meetings, regular and special, and of expressing his opinion and giving his advice upon all matters coming before it. The members of the commission shall be subject to removal by the governor for cause. If any vacancy should occur in said commission, the governor shall fill the same by appointment which shall be subject to rejection or approval at the next regular session of the Legislature following the appointment.

Subd. 2. Expenses paid. Each member of the commission shall be entitled to receive his actual traveling and subsistence expenses and the sum of \$10 per day for the time actually spent in the discharge of his duties under this act.

Subd. 3. Qualification; bond. Each person appointed to the commission shall qualify by taking the oath of office and giving a bond in the penal sum of \$25,000, with a corporate surety, to the state conditioned for the faithful performance of his duties under this act. The cost of the bond shall be paid by the state.

Subd. 4. First meeting; vice chairman. Within 10 days after the qualification of two-thirds of the commissioners, the commission shall meet at the State Capitol for completion of its organization and may elect one of its number vice chairman whose duty it shall be to preside over the meetings of the commission in the absence of the governor.

Subd. 5. Secretary; oath; bond. The commission shall appoint some proper person, not of its number, as secretary, who shall be in the unclassified service of the state civil service, and shall fix his compensation and prescribe his duties. The person so appointed shall qualify by taking the oath of office and giving a bond to the state in the penal sum of \$10,000, with a corporate surety, conditioned for the faithful performance of his duties. The cost of the bond shall be paid by the state.

Sec. 3. Powers. Subdivision 1. The commission shall have power:

Subd. 2. To make and execute all contracts and other instruments which may be required in connection with the construction of the State Veterans Service Building, the enlargement and beautification of the state capitol grounds and other duties imposed upon it by this act.

Subd. 3. To make rules and regulations necessary and proper for the purposes of this act.

Subd. 4. To acquire by gift or the exercise of the power of eminent domain in the manner provided by law, and not otherwise, real property necessary for the state capitol grounds enlarged as provided by the plan adopted by the commission, including property owned by the Regents of the University of Minnesota.

Subd. 5. To accept and receive gifts of money which shall be deposited to the credit of the State Veterans Service Fund, and to carry on a campaign for public contribution to such fund, and to expend the moneys necessary therefor.

Subd. 6. To acquire by gift or the exercise of the power of eminent domain in the manner provided by law, and not otherwise, the right to limit the kind, character, and height of buildings upon and the use of real property or buildings located within 300 feet of the outside boundaries of the state capitol grounds as enlarged pursuant to the plans adopted by the commission.

Subd. 7. To adopt such reasonable rules and regulations as it may deem proper in order to limit the kind, character,

and height of buildings located or erected after the adoption thereof within 300 feet of the outside boundaries of the state capitol approach, and the use of such buildings or real property. Any person who violates any such rule or regulation shall be guilty of a gross misdemeanor. Any building constructed or maintained, or business conducted, in violation of any such rule or regulation is hereby declared a public nuisance and shall be abated as such in an action brought by the attorney general on request by the commission.

Subd. 8. To appoint and employ, as prescribed by the State Civil Service Act, all necessary personnel not otherwise provided for herein.

Sec. 4. Duties. Subdivision 1. The commission is charged with the duty of accomplishing the purpose of Section 1 in the manner prescribed in this act.

Subd. 2. The commission, as soon as practicable after the effective date of this act, shall proceed:

- (1) To select a plan for a State Veterans Service Building.
- (2) To select a plan for the enlargement and beautification of the state capitol grounds, which may be the plan heretofore recommended by the Governor's Advisory Committee.

Subd. 3. Except as provided in Subdivision 2, clause (2) hereof, the commission shall secure by separate competitions plans for the State Veterans Service Building and for the enlargement and beautification of the capitol grounds. Such competitions shall be conducted under rules prescribed by the commission assuring, among other things, competition open to all. The designs selected shall become the property of the State of Minnesota. The commission may award premiums in each such competition which shall not exceed in the aggregate for each competition the sum of \$10,000, to be awarded in not more than the following amounts to be designs adjudged to stand in point of merit, as follows: first, \$5,000, second, \$2,500, third, \$1,500, and fourth, \$1,000.

Subd. 4. The State Veterans Service Building shall be designed to provide, in addition to public rooms, quarters for the State Department of Veterans Affairs and the state organization of any war veterans organization chartered by the Congress of the United States and of the auxiliaries of such veterans organizations. The quarters of the Department of Veterans Affairs shall to such extent as may be approved by

the Commissioner of Veterans Affairs be on the first floor of the building above the ground level.

Subd. 5. The commission shall not adopt any plan under Subdivision 4 hereof unless it shall first have received the endorsement of the majority of a committee of three architects or engineers who have been selected and appointed as follows: one by the governor, one by the commission, and one by the Minnesota Chapter of the American Institute of Architects. The members of the committee shall not be contestants under Subdivision 3 hereof and shall be subject to the penal provisions of Section 13 of this act.

Sec. 5. Acquisition of property; construction of building. Subdivision 1. When the commission shall have adopted a plan for the enlargement and beautification of the capitol grounds as prescribed by Section 4 hereof, it shall proceed with the acquisition of the property necessary therefor, and when the commission shall have adopted a plan for the State Veterans Service Building it shall proceed with the construction thereof, but the total cost for both projects shall not exceed the monies available from the appropriation made by this act.

Subd. 2. This act shall be subject to all the provisions of Laws 1939, Chapter 431, as amended, except the determination as to who is the lowest responsible bidder on contracts for construction, and the approval of the contracts therefor and supervision of construction thereof by the commissioner of administration.

Sec. 6. Creation of fund. Subdivision 1. There is hereby created a special fund to be known as the State Veterans Service Building Fund.

Subd. 2. To provide moneys for the State Veterans Service Building and Expanded Capitol Grounds the state auditor is hereby authorized and directed (1) to transfer to the State Veterans Service Building Fund from the general revenue fund in the state treasury the sum of \$1,000,000 and (2) to levy upon all the taxable property in the state, in the manner in which other state taxes are levied, for each of the taxable years from 1947 to 1956, inclusive, taxes sufficient to produce the sum of \$300,000 for each of said taxable years, together with such additional sums as may be necessary to pay the interest upon the certificates of indebtedness issued pursuant to the provisions of this act. In case of a deficiency in the proceeds of such tax levy for any year, the auditor shall levy sufficient additional amounts in succeeding years to compensate therefor

until the full amount herein authorized has been raised. The proceeds of such taxes shall be credited to the State Veterans Service Building Fund. The state auditor is hereby authorized and directed to apply any moneys remaining unexpended in such fund when the provisions of this act shall have been completely accomplished to the payment of any certificate of indebtedness issued as hereinafter provided, and the interest thereon, and to transfer the balance thereof, if any, to the general revenue fund in the state treasury.

Subd. 3. Pending the levy and collection of such taxes, the state auditor is hereby authorized and directed to issue and sell certificates of indebtedness of the state, which shall be known as State Veterans Service Building Certificates of Indebtedness, as funds are needed for the purposes of this act, not exceeding the amount required from time to time to meet the appropriation made in this act and not exceeding \$3,000,000, in the aggregate. Such certificates shall be numbered consecutively and shall be issued and sold at not less than par upon sealed bids after two weeks' published notice, unless sold to the state board of investment as hereinafter provided. The expenses of such sale shall be paid by the state auditor from the State Veterans Service Building Fund in the manner provided by law, and so much money as may be necessary therefor is appropriated to the state auditor from such fund. Such certificates shall be in such form and of such denominations and shall mature at such times as the state auditor may determine not exceeding the time when funds shall be available for the payment thereof from the tax levies herein authorized. Such certificates shall bear such rate of interest, payable semi-annually, and shall contain such other terms and provisions, not inconsistent herewith, as the state auditor may determine. Such certificates shall be signed by the state treasurer and attested by the state auditor under their official seals, and the auditor and treasurer shall keep records thereof. Such certificates shall be a charge upon and a lien against the taxes herein authorized. The principal and interest shall be payable only from the proceeds of such taxes, and so much thereof as may be necessary is hereby appropriated to the state auditor for such payments; provided that such interest as may become due at any time when there is not on hand a sufficient amount from the proceeds of such taxes to pay the same shall be paid out of the general revenue fund in the state treasury, and the amount necessary therefor is hereby appropriated to the state auditor, to be reimbursed from the proceeds of such taxes when received. All moneys received from the sale of such certificates shall be credited to the State Veterans Service Building Fund.

All things authorized by this act shall be paid for from said fund, unless otherwise paid from the general revenue fund as herein provided, and the moneys in said fund are hereby appropriated to the commission for such purposes.

Subd. 4. The state board of investment is hereby authorized to invest any funds under its control or direction in any certificates of indebtedness issued hereunder and to purchase such certificates at a rate of interest not exceeding three per cent per annum, and such certificates may be issued and sold to said board without advertising for bids.

Sec. 7. **Appropriation; condition.** There is hereby appropriated for the purposes of this act the sum of \$4,000,000, or so much thereof as may be necessary, out of the State Veterans Service Building Fund to the commission. Of the amount so appropriated the commission shall not expend more than \$2,000,000 for the construction of the Veterans Service Building, nor more than \$2,000,000 for the enlargement and beautification of the capitol grounds, as provided in this act.

Sec. 8. **Assignment of space.** 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) to the state organization of any war veterans organization chartered by the Congress of the United States and to its auxiliaries.

Sec. 9. **Authority granted to city of St. Paul.** Subdivision 1. The City of St. Paul is authorized and empowered as follows:

Subd. 2. To change, modify, widen, extend, alter and vacate its streets and alleys and the course thereof, and to lay out and establish new streets and alleys as the common council of said city may deem necessary, expedient and proper, so that the streets in said city reaching, meeting or touching the boundaries of the capitol grounds, as enlarged, shall meet, continue, coordinate with, integrate with, harmonize with and conform to the streets of the enlarged capitol grounds pursuant to the plan adopted by the commission, and to grade, improve, pave, and otherwise treat such streets including those within the boundaries of the enlarged capitol grounds as so changed, established or laid out as to conform in width, appearance and grades, surfacing, and in other respects, with streets laid out and established by the commission; to do all of which

is hereby declared to be a public purpose, namely, that of providing a capitol and an adequate and enlarged capitol grounds for the state and its people. Such streets established or laid out or extended for the purposes aforesaid shall be of such width, grades and slopes as will harmonize with the enlarged capitol grounds.

Subd. 3. For said purposes to acquire private property by gift or purchase or by the exercise of the power of eminent domain in the manner prescribed by the laws of the state or of the charter of said city, or in the manner prescribed by law or said charter for the laying out and establishment and vacation of public streets and alleys, and to devote said property so acquired to the public purpose aforesaid.

Subd. 4. To sell and dispose of such buildings on the property so acquired as the council may deem it advisable to sell and dispose of for such terms and for such prices as the council of said city may deem best, the proceeds of such sale to be paid into the City of St. Paul Capitol Approach Improvement Fund hereinafter established, without the necessity of advertising for bids before such sale or sales; and to wreck and destroy such buildings as it may deem advisable for the purposes aforesaid.

Subd. 5. To sell such parts or tracts of lands which it has been necessary to acquire for the purposes aforesaid as may be found to be excessive and unnecessary for such purposes for such price and upon terms as to the common council shall seem just, the proceeds of such sale to be paid into said City of St. Paul Capitol Approach Improvement Fund, and without the necessity of advertising for bids before such sale.

Subd. 6. To borrow the sum of \$2,000,000, or so much thereof as the council of said city may deem necessary for the purpose aforesaid, and for that purpose to issue and sell from time to time and without submitting the question of issuing the same to a vote of the people, the bonds of said city of St. Paul in the sum and amount of \$2,000,000, or such part thereof as the council shall deem necessary, the proceeds of the sale of such bonds to be used for the purposes specified herein; to secure the payment of such bonds by pledging the full faith and credit of the City of St. Paul therefor. Such bonds shall be in such form and bear interest at such rate as the council of said city may prescribe, and shall be sold by the council of said city to the highest bidder therefor after at least two weeks' published notice of the time and place for receiving bids. Such bonds shall be issued to mature serially, the first installment of which shall become due and payable in not more

than three years and the last of which shall become due and payable in not more than thirty years from the date of their issue. The expense of the sale and issuing of such bonds shall be paid from the City of St. Paul Capitol Approach Improvement Fund. The proceeds received for the sale of such bonds shall be deposited in a fund to be known as the City of St. Paul Capitol Approach Improvement Fund, and the moneys shall be disbursed therefrom for the purpose aforesaid in the same manner as other funds of the city are disbursed, but only for the purposes herein expressed. The amount of such bonds from time to time outstanding shall not be considered in determining the net indebtedness of said city for the purpose of borrowing money or other purposes, and the amount of such bonds or certificates of indebtedness shall be excluded in determining the debt limit of said city.

Subd. 7. To levy upon the taxable property of the City of St. Paul such sums as may be necessary to provide for the payment of the interest on such bonds as the same accrues, and the payment of the principal thereof in full at maturity. The levy of such a tax is made the duty of the council of the City of St. Paul. The power herein granted to levy taxes for the payment of the principal and interest of such bonds shall be in addition to all other taxing powers of the city, and it shall exist independently of any restrictions upon the power of the city to levy taxes for other purposes.

Subd. 8. To formulate and adopt, and it is hereby made obligatory upon said city to formulate and adopt, subject to the approval of the commission, a plan of streets to reach and meet the boundaries of the area comprised within the capitol grounds as enlarged pursuant to the plan adopted by the commission so that such streets shall meet, continue, coordinate with, integrate with, harmonize with, and conform to, the streets of the said capitol grounds as enlarged pursuant to the plan adopted by the commission, and for that purpose to employ such architects, engineers, surveyors and other employees as the council may deem necessary; to adopt such method as the council shall deem best for the purpose of securing and formulating such plan for coordination of the streets of the said city with the capitol grounds as enlarged pursuant to the plan of the commission. Such city plan may provide for streets of any width determined upon by the council of said city, and shall provide for suitable sidewalks and the necessary curbs, gutters and sewers, and other features usually incorporated in or pertaining to or associated with streets. Upon the adoption of such a plan by the city, and when such plan shall have been approved by the commission, the City of St. Paul shall

have power and authority to, and it is hereby made the positive obligation of the said city, to execute, carry out and fulfill such plan and to establish, construct and improve its streets in accordance with such approved plan, by the use and exercise of its corporate powers and the powers herein conferred. In executing and fulfilling said approved plan, the city council of said city shall have power to proceed by contract or by day labor.

Sec. 10. Proceedings if St. Paul fails to perform. If, after the City of St. Paul shall have adopted such plan and the same has been approved by the commission, the said city shall fail, neglect or refuse to execute, complete or fulfill said city plan, then and thereupon the commission may in the name of the City of St. Paul and at its expense proceed to execute, fulfill and complete said plan, and for that purpose may exercise any of the corporate powers of the City of St. Paul and any or all of the powers conferred by this act upon said city, including the right to issue and sell such bonds in the name of the city and as full faith and credit obligations of said city.

Sec. 11. Conveyance to state. The City of St. Paul shall have the power to convey without compensation therefor to the state any property owned by it within the boundaries of the capitol grounds as enlarged pursuant to the plan adopted by the commission.

Sec. 12. Acquisition of tax-forfeited lands within area.
Subdivision 1. 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 enlarged capitol grounds 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 this act, 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 this act shall be superseded, modified or repealed.

Subd. 2. The county auditor of Ramsey County shall forthwith withdraw from sale or repurchase all lands referred to in Subdivision 1 hereof.

Subd. 3. The commissioner of taxation shall have power upon application by the commission to release any lands referred to in Subdivision 1 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.

Sec. 13. Forbidden to profit. Any member of the commission, or any employe thereof, who shall be 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 benefits therefrom, or the promise of any 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.

Sec. 14. Citation. This act may be cited as the State Veterans Service Building Act.

Approved April 17, 1945.

CHAPTER 316—H. F. No. 316

An act relating to grants, loans and advances to counties, cities, villages, boroughs, towns, school districts or other political subdivisions of the state from the federal or state government for planning public works.

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

Section 1. Political subdivision of state may accept grant advance or loan from federal government. Notwithstanding inconsistent provisions of any other statute or home rule charter, any county, city, village, borough, town, school district or other political subdivision of the state, however organized, may accept from the Government of the United States or the State of Minnesota grants, loans or advances of money for the planning of public works projects, and may make agreements to repay any such loans or advances for planning purposes without submitting the proposal to a vote of the people. Funds received by any political subdivision under this section shall not be used for the planning of public housing projects, or housing authority projects.

Sec. 2. Charter limitation on expenditures not to apply. Expenditures of grants, advances or loans of money received