CHAPTER 15B

CAPITOL AREA PLANNING AND PRESERVATION

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15B.01 PURPOSES OF THE BOARD.

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.

History: *1969 c 1150 s 1; 1974 c 580 s 4; 1980 c 614 s 47; 2003 c 17 s 1, subd 1;2*

15B.02 BOUNDARY OF CAPITOL AREA.

(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;

(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.

History: *Ex1967 c 13 s 13; 1969 c 1150 s 2; 1971 c 25 s 9; 1971 c 926 s 1; 1973 c 501 s 1; 1974 c 580 s 5; 1Sp1985 c 15 s 31; 1989 c 335 art 1 s 57; 1994 c 632 art 4 s 18; 1995 c 254 art 1 s 42; 1999 c 250 art 1 s 44; 2003 c 17 s 1, subd 6;2*

15B.03 CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD.

Subdivision 1. **Membership.** (a) The Capitol Area Architectural and Planning Board, called the board or the CAAPB in this chapter, has 12 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 two members of the house of representatives and the president of the senate must appoint two senators.

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

(g) A quorum of the board is six members.

Subd. 2. **Membership terms, compensation, removal, and vacancies.** The membership terms, compensation, and removal of board members and filling of vacancies on the board are governed by section 15.0575.

Subd. 3. **Board 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, employees, contractors.** (a) The chair of the board must appoint an executive secretary to serve the board. The chair must consult with the board before making an appointment. The executive secretary serves in the unclassified service.

(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. **Board meetings.** The board must meet at the call of the chair and may meet at other times that it sets.

Subd. 6. **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. 7. **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.

History: *Ex1967 c 13 s 13; 1969 c 1150 s 1-3; 1974 c 580 s 4-6; 1976 c 134 s 6,7; 1980 c 614 s 47; 1Sp1981 c 4 art 2 s 2; 1983 c 305 s 11; 1Sp1985 c 13 s 90; 1993 c 144 s 1; 2003 c 17 s 1, subds 2-4,35,36,38,39;2; 2007 c 94 s 1; 2023 c 71 art 2 s 1*

15B.05 COMPREHENSIVE USE PLAN.

Subdivision 1. **Comprehensive plan required.** The board must have, and prescribe for the Capitol Area, a comprehensive use plan called the comprehensive plan in this chapter.

Subd. 2. **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. 3. **Construction.** No construction on public land in the Capitol Area may take place unless the comprehensive plan and the requirement for a competition under section 15B.10 are followed.

Subd. 4. **Exceptions.** (a) Under section 15B.10, subdivision 4, the board may waive the requirement of a competition.

(b) Under section 15B.13 a competition is not required.

Subd. 5. **Examples.** Some examples of construction under subdivision 3 are building or changing (1) a public building; (2) a street; (3) a parking lot; or (4) a monument.

Subd. 6. **Plan 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. 7. **Cooperation.** The CAAPB must develop and maintain the comprehensive plan in close cooperation with the employment and economic development commissioner, St. Paul's Planning Department and City Council, and the State Board of the Arts.

Subd. 8. **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.

History: *Ex1967 c 13 s 13; 1969 c 1150 s 2; 1981 c 356 s 89; 1993 c 144 s 1; 1993 c 369 s 37; 1995 c 220 s 24; 2003 c 17 s 1, subds 5,14,16,27,28,50;2; 1Sp2003 c 4 s 2*

15B.06 ZONING RULES.

Subdivision 1. **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.

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

Subd. 2. **Construction standards and design-review.** 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. 3. **Penalty.** A person who violates a zoning rule of the board is guilty of a misdemeanor.

Subd. 4. **Abatement.** The board may move to abate, by injunction, a violation of its zoning rules.

History: *1969 c 1150 s 1; 1971 c 926 s 1; 1980 c 614 s 48; 1993 c 144 s 1; 2003 c 17 s 1, subds 7,8,10,11;2*

15B.08 CONSTRUCTION PROCESS.

Subdivision 1. **Prerequisites.** (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. 2. **Board approval.** No substantial change to what is described in clause (1) or (2) may be made until after the board consents to the change:

(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 section 15B.10.

Subd. 3. **Written approval.** 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.

History: *Ex1967 c 13 s 13; 1974 c 580 s 5; 1990 c 426 art 1 s 7; 1993 c 144 s 1; 1993 c 369 s 37; 2003 c 17 s 1, subds 9,15,17;2*

15B.10 DESIGN COMPETITIONS.

Subdivision 1. **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. 2. **Design ownership.** When a design is selected in a competition it becomes the property of the state.

Subd. 3. **Premiums; costs.** The board may award premiums in a competition and may pay the costs and fees required to conduct it.

Subd. 4. **Competition waiver.** (a) Notwithstanding subdivision 1, paragraph (a), the board, without a competition, may approve plans for a project estimated to cost less than $1,000,000.

(b) The plans still must have been considered by the advisory committee established under section 15B.11.

(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.

History: *Ex1967 c 13 s 13; 1969 c 1150 s 2; 1980 c 614 s 48; 1993 c 144 s 1; 1993 c 369 s 37; 2003 c 17 s 1, subds 18-21;2*

15B.11 ADVISORY COMMITTEE ON ARCHITECTURE AND PLANNING.

Subdivision 1. **Advisory committee review.** The board must not approve a plan for a new public building under section 15B.10 or 15B.13 unless it first receives the comments and criticism of the advisory committee established under subdivision 2 or unless the plan is excepted from the consideration of the advisory committee under section 15B.10, subdivision 4, paragraph (c).

Subd. 2. **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) An advisory committee member must not be a contestant in a CAAPB competition.

Subd. 3. **Data classification and use.** (a) The advisory committee's comments and criticism under subdivision 1 are public data under section 13.03, subdivision 1.

(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 employment 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 section 15B.10.

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

History: *Ex1967 c 13 s 13; 1969 c 1150 s 2; 1971 c 926 s 1; 1974 c 580 s 5; 1993 c 144 s 1; 1993 c 369 s 37; 2001 c 161 s 3; 2003 c 17 s 1, subds 23-25;2; 1Sp2003 c 4 s 2; 2014 c 286 art 8 s 2*

15B.13 LIGHT RAIL.

(a) Notwithstanding section 15B.10, 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.

History: *1993 c 144 s 1; 2003 c 17 s 1, subd 22;2*

15B.15 ADMINISTRATION DEPARTMENT.

Subdivision 1. **Duties.** 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. 2. **Standards and policies.** (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.

Subd. 3. **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.

Subd. 4. **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.

History: *1969 c 1150 s 2; 1974 c 580 s 5; 1991 c 345 art 1 s 50; 1993 c 144 s 1; 1993 c 369 s 37; 1997 c 187 art 5 s 7; 2003 c 17 s 1, subds 13,15a,29,49;2*

15B.155 CAPITOL RESTORATION PROJECT.

Subdivision 1. **Consultation and collaboration.** The commissioner shall consult and collaborate with representatives designated by the governor, the majority leader of the senate, the speaker of the house, the chief justice of the Minnesota Supreme Court, the attorney general, Capitol Area and Architectural Planning Board, and the director of the Minnesota Historical Society regarding the design and construction process for the restoration of the Capitol building.

Subd. 2. **Changes to space allocation.** No changes shall be made to the current amount and location of space in the Capitol building for the house of representatives, senate, supreme court, and constitutional officers, unless approved as follows:

(1) for space currently allocated to the house of representatives, by the chief clerk of the house of representatives;

(2) for space currently allocated to the senate, by the secretary of the senate;

(3) for space currently allocated to the judicial branch, by the court administrator; and

(4) for space currently allocated to the attorney general's office, by the attorney general.

Subd. 3. **Sequencing.** Construction work shall be sequenced to maintain occupancy in the house of representatives and senate chambers during regular legislative sessions, unless otherwise approved by the speaker of the house and the majority leader of the senate for respective chambers.

Subd. 4. **Duties of commissioner.** (a) By January 15, 2013, the commissioner of administration shall submit a space recommendation report to the majority leader of the senate, the speaker of the house, and the chairs of the legislative committees with primary jurisdiction over the Capitol Area Architectural and Planning Board. The space recommendation report shall identify appropriate and required functions of the Capitol building and make recommendations to address space requirements for the tenants currently located in the Capitol building for the effective and efficient function of state government. In preparing the report, the commissioner shall consult with the Capitol Preservation Commission and representatives designated by the governor, the secretary of the senate, the chief clerk of the house of representatives, the director of the Minnesota Historical Society, and the state court administrator. Before the appropriations in Laws 2012, chapter 293, section 13, subdivision 3, paragraph (a), clauses (4) and (5), may be spent, the recommendations in the report must be approved by the governor, the secretary of the senate, and the chief clerk of the house of representatives.

(b) By July 15, 2013, the commissioner shall submit a report describing final plans and specifications for the restoration of the Capitol building to the majority leader of the senate, the speaker of the house, and to the chairs of the committees in the senate and house of representatives with primary jurisdiction over the Capitol Area Architectural and Planning Board. Before the appropriations in Laws 2012, chapter 293, section 13, subdivision 3, paragraph (a), clauses (4) and (5), may be spent, the plans and specifications must be approved by the governor, the secretary of the senate, and the chief clerk of the house of representatives.

(c) Notwithstanding sections 16C.05, subdivision 2, paragraph (b); and 16C.08, subdivision 3, clause (5), the commissioner of administration may enter into consultant and construction contracts on the Capitol restoration and repair project with a term of up to ten years.

(d) Notwithstanding section 16B.31, subdivision 2, the commissioner of administration may proceed with the Capitol restoration and repair project before obtaining an appropriation to complete the entire project.

(e) On or before December 1 of each year until final completion of the restoration project, the commissioner of administration shall submit in writing to the governor, chairs of the senate Finance and Capital Investment Committees, and chairs of the house of representatives Ways and Means and Capital Investment Committees the estimated annual amount needed for the restoration project for the upcoming fiscal year. The construction manager and the commissioner shall enter into a guaranteed maximum price contract. In the absence of an appropriation sufficient for the continued performance of work on an annual basis as determined by the commissioner of administration, the construction manager shall not be bound to complete the remaining work within the guaranteed maximum price in the contract.

(f) With the approval of the commissioner of administration, the construction manager may bid trade work in accordance with section 16C.34, subdivision 3, before the enactment of an appropriation sufficient to fully fund the trade work for completion of the full project described in the Comprehensive Master Plan. The construction manager shall enter into guaranteed maximum price contracts with subcontractors for the trade work. In the event the legislature fails to appropriate money sufficient for the continued performance of work on an annual basis as determined by the commissioner of administration, the subcontractors shall not be bound to complete the remaining work within the guaranteed maximum price in the contract. Contracts with subcontractors for trade work under this paragraph must include terms consistent with this paragraph.

History: *2012 c 293 s 27; 2013 c 125 art 1 s 9*

15B.17 CAPITOL AREA PROPOSALS.

Subdivision 1. **Proposals.** (a) Before a state agency or other public body develops a budget proposal or plans for capital improvements within the Capitol Area to submit to the legislature and the governor, 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. Money received by the board under this subdivision is deposited in the special revenue fund and appropriated to the board.

Subd. 2. **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.

History: *Ex1967 c 13 s 13; 1991 c 345 art 1 s 49; 2003 c 17 s 1, subds 40,41;2; 2007 c 148 art 2 s 10*

15B.19 CONSULTATION.

Subdivision 1. **Cooperation required.** 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. 2. **Duty to advise.** The city of St. Paul must advise the board.

Subd. 3. **State Historical Society to consult.** 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.

History: *1971 c 926 s 1; 1974 c 580 s 5; 1980 c 614 s 48; 1993 c 369 s 37; 2003 c 17 s 1, subds 12,26,30;2*

15B.21 RESPONSIBILITIES TO LEGISLATURE.

Subdivision 1. **Report required.** (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. 2. **Update reports required.** (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. 3. **Testimony required.** (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.

History: *1974 c 580 s 5; 1980 c 614 s 48; 1993 c 144 s 1; 2003 c 17 s 1, subds 31-33;2*

15B.23 CONVEYANCES OF PROPERTY.

Subdivision 1. **Conveyances; 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 section 15B.01 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 section and section 15B.24 unless a law expressly changes or supersedes this section or section 15B.24 to provide otherwise.

Subd. 2. **Conveyances; St. Paul Housing and Redevelopment Agency.** (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 this section or section 15B.24.

(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.

History: *1969 c 1150 s 4; 1971 c 25 s 10; 1971 c 926 s 2; 1982 c 422 s 1; 2003 c 17 s 1, subds 42,44;2*

15B.24 CAPITOL AREA TAX-FORFEITED LANDS.

Subdivision 1. **Scope.** This section governs the treatment of tax-forfeited lands in the Capitol Area. Section 383A.17 relating to Ramsey County also may apply.

Subd. 2. **Recording trust title.** 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.

Subd. 3. **Parcel descriptions.** 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.

Subd. 4. **Options; default of parcel.** (a) 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.

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

Subd. 5. **Restrictive easements.** A conveyance under subdivision 4, paragraph (a), clauses (1) and (2), is subject to the restrictive easements that the CAAPB determines to be necessary to implement the comprehensive plan.

Subd. 6. **Maintenance of parcel.** (a) Until the parcel is released from the trust and during the 90-day period referred to in subdivision 4, the county board has the authority to maintain the parcel to minimize risk to persons and to contiguous property.

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

Subd. 7. **Trust release.** (a) When the board directs the commissioner of revenue to release a parcel under subdivision 4, paragraph (a), 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.

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

History: *1969 c 1150 s 4; 1981 c 301 s 5; 1982 c 422 s 1; 2003 c 17 s 1, subd 43;2; 2011 c 76 art 1 s 3*

15B.26 CONFLICT OF INTEREST.

Subdivision 1. **Elements.** (a) A person has a conflict of interest under this section 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 section, it does not matter whether the financial interest mentioned in paragraph (a), clause (2), is direct or indirect.

Subd. 2. **Penalty.** A person who has a conflict of interest under subdivision 1 is guilty of a gross misdemeanor.

History: *1969 c 1150 s 4; 1974 c 580 s 7; 2003 c 17 s 1, subds 45,46;2*

15B.28 OUTDOOR ADVERTISING.

Subdivision 1. **Advertising devices restricted.** No advertising devices may be erected within the boundaries of the Capitol Area unless done so pursuant to rules of the board.

Subd. 2. **Advertising device defined.** "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.

Subd. 3. **Advertising a business on premises.** 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.

Subd. 4. **Removal of devices.** Advertising devices that do not comply with the board's rules may be ordered by the board to be removed.

Subd. 5. **Compensation.** 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. 6. **Penalty.** A person who violates this section is guilty of a misdemeanor.

History: *1969 c 1150 s 5; 1971 c 926 s 3; 2003 c 17 s 1, subds 47,48;2*

15B.31 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.

History: *Ex1967 c 13 s 13; 1969 c 1150 s 2; 1993 c 144 s 1; 2003 c 17 s 1, subd 34;2*

15B.32 STATE CAPITOL PRESERVATION COMMISSION.

Subdivision 1. **Definitions.** (a) As used in this section and section 15B.36, the terms defined in this subdivision have the following meanings.

(b) "Commission" means the State Capitol Preservation Commission created under this section.

(c) "Capitol Area" means the geographic area defined in section 15B.02.

(d) "Board" means the Capitol Area Architectural and Planning Board created under section 15B.03.

(e) "Predesign" has the meaning given in section 16B.335, subdivision 3, paragraph (a).

Subd. 2. **Membership.** The State Capitol Preservation Commission consists of 24 members, appointed as follows:

(1) the governor;

(2) the lieutenant governor;

(3) the attorney general;

(4) the chief justice of the supreme court, or the chief justice's designee, who shall be a member of the supreme court;

(5) the majority leader of the senate or the majority leader's designee, who shall be a member of the senate;

(6) the minority leader of the senate or the minority leader's designee, who shall be a member of the senate;

(7) the speaker of the house or the speaker's designee, who shall be a member of the house of representatives;

(8) the minority leader of the house of representatives or the minority leader's designee, who shall be a member of the house of representatives;

(9) two members of the senate, including one member from the majority party appointed by the majority leader and one member from the minority party appointed by the minority leader;

(10) two members of the house of representatives, including one member appointed by the speaker of the house and one member from the minority party appointed by the minority leader;

(11) the chair and ranking minority member of the house of representatives committee with jurisdiction over capital investment and the chair and ranking minority member of the senate committee with jurisdiction over capital investment;

(12) the commissioner of administration or the commissioner's designee;

(13) the commissioner of public safety or the commissioner's designee;

(14) the executive director of the Minnesota Historical Society or the executive director's designee;

(15) the executive secretary of the Capitol Area Architectural and Planning Board; and

(16) four public members appointed by the governor.

Subd. 3. **Terms and compensation.** (a) A member serving on the commission because the member or the appointing authority for the member holds an elected or appointed office shall serve on the commission as long as the member or the appointing authority holds the office.

(b) Public members of the commission shall serve two-year terms. The public members may not serve for more than three consecutive terms.

(c) The removal of members and filling of vacancies on the commission are as provided in section 15.059.

Subd. 4. **Officers and meetings.** (a) The governor is the chair of the commission. The lieutenant governor is the vice-chair of the commission and may act as the chair of the commission in the absence of the governor. The governor may designate a staff member to attend commission meetings and vote on the governor's behalf in the absence of the governor.

(b) The commission shall meet at least annually and at other times at the call of the chair. Meetings of the commission are subject to chapter 13D.

Subd. 5. **Administrative support.** The commissioner of administration shall provide administrative support to the commission.

Subd. 6. **Duties.** (a) The commission:

(1) shall exercise ongoing coordination of the protection, risk management, and preservation of the Capitol building;

(2) shall consult with and advise the commissioner of administration, the board, and the Minnesota Historical Society regarding their applicable statutory responsibilities for and in the Capitol building;

(3) shall develop a comprehensive, multiyear maintenance and preservation plan for the Capitol building, review the plan periodically, and, as appropriate, amend and modify the plan. The plan shall identify and address the long-term maintenance and preservation requirements of the Capitol building and shall take into account the recommendations of the long-range strategic plan under section 16B.24;

(4) shall develop and implement a plan to ensure a welcoming and accessible Minnesota State Capitol for all Minnesotans and visitors;

(5) shall develop and implement a comprehensive financial plan to fund the ongoing preservation of the Capitol building;

(6) shall provide annual reports about the condition of the Capitol building and its needs, as well as all activities related to the preservation of the Capitol building;

(7) may solicit gifts, grants, or donations of any kind from any private or public source to carry out the purposes of this section. For purposes of this section, the commissioner of administration may expend money appropriated by the legislature for these purposes in the same manner as private persons, firms, corporations, and associations make expenditures for these purposes. All gifts, grants, or donations received by the commission shall be deposited in a State Capitol preservation account established in the special revenue fund. Money in the account is appropriated to the commissioner of administration for the activities of clause (4), the commission, and implementation of the predesign plan under this section. Appropriations under this clause do not cancel and are available until expended; and

(8) shall approve a program of art exhibits to encourage public visits to the Capitol and to be displayed in a space in the Capitol building that is listed in section 15B.36, subdivision 1, before an exhibit that is part of the program can be displayed for two weeks or longer. When considering recommendations made under section 15B.36, the commission must approve or reject recommended exhibits as a whole and may not approve or reject individual pieces within a recommended exhibit. The approved program must address the proposed schedule, how it addresses adopted themes for art in the Capitol, and the type or types of artwork.

(b) By January 15 of each year, the commission shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over state government operations, capital investment, finance, ways and means, and legacy finance regarding the maintenance and preservation needs of the Capitol

building, including recommendations adopted by the commission, the comprehensive financial plan required under paragraph (a), clause (5), and any proposed draft legislation necessary to implement the recommendations of the commission.

Subd. 7. [Repealed, 2014 c 286 art 8 s 40]

History: *1Sp2011 c 6 art 4 s 3; 2016 c 84 s 1; 1Sp2017 c 8 art 2 s 1; 2018 c 214 art 2 s 1*

15B.34 CAPITOL BUILDING POWERS AND DUTIES.

The board shall:

(1) jointly, with the commissioner of administration and the Minnesota Historical Society, establish standards and policies for the repair, furnishing, appearance, and cleanliness of and change to the public and ceremonial areas of the Capitol building;

(2) review and approve plans and specifications and any changes to approved plans and specifications involving the alteration of the public and ceremonial areas and the exterior of the Capitol building;

(3) jointly, with the Minnesota Historical Society, review and approve the design, structural composition, and location of all monuments, memorials, or works of art presently located in the public and ceremonial areas of the State Capitol, or that will be placed in the public or ceremonial areas, according to section 138.68; and

(4) assist the State Capitol Preservation Commission with performance of its duties as needed.

History: *1Sp2011 c 6 art 4 s 4*

15B.36 CAPITOL ART EXHIBIT ADVISORY COMMITTEE.

Subdivision 1. **Application.** This section applies to art exhibits in the following spaces within the State Capitol: third floor east wing, the egress lobbies added as part of the Capitol restoration completed in 2017, the tunnels connecting legislative office buildings to the Capitol, room 104A of the Capitol, and the entire Capitol basement, excluding the historic Rathskeller, Governor's Dining Room, and Justices' Dining Room. Historic paintings located in Room 317A remain subject to section 138.68. The speaker of the house, president of the senate, and chief justice of the Minnesota Supreme Court may request the advisory committee to provide recommendations on art in their respective hearing rooms and other tenant spaces.

Subd. 2. **Creation, duties.** (a) The Capitol Art Exhibit Advisory Committee is established to advise and make recommendations to the State Capitol Preservation Commission regarding art exhibits to be displayed in State Capitol spaces listed in subdivision 1. To develop these recommendations, the committee shall:

(1) receive proposals from a broad diversity of Minnesota artists, art organizations, and other individuals and evaluate the extent to which proposals meet the criteria in paragraph (b); and

(2) prepare a list of recommended art exhibits for consideration by the commission, including information on the availability of the exhibits, a summary of how the recommended exhibits meet the criteria in paragraph (b) and reflect Minnesota history not covered by previous art exhibits, and the estimated costs and logistical needs for recommended exhibits.

(b) Art exhibits displayed in the State Capitol should tell Minnesota stories and engage people to:

(1) reflect on Minnesota history;

(2) understand Minnesota government;

(3) recognize the contributions of Minnesota's diverse peoples;

(4) inspire citizen engagement; and

(5) appreciate the varied landscapes of Minnesota.

(c) The commissioner of administration shall provide administrative support for the art exhibits approved by the commission under section 15B.32, subdivision 6, paragraph (a), clause (8).

(d) A preference shall be given for recommended art exhibits for artists currently living in Minnesota or living in Minnesota at the time portrayed. The selection process should ensure that a wide range of artists have a chance to be considered and that, over time, the art reflects the contributions of artists of various demographic backgrounds, including age, disability, gender, and racial and ethnic identity.

Subd. 3. **Membership.** (a) The advisory committee consists of members of the public appointed as follows:

(1) five appointed by the governor;

(2) two appointed by the majority leader of the senate and two appointed by the minority leader of the senate; and

(3) two appointed by the speaker of the house and two appointed by the minority leader of the house of representatives.

(b) To the extent practicable, the appointing authorities shall appoint individuals with knowledge or experience in art, Minnesota history, or Native American history, so that the advisory committee reflects the demographic and geographic diversity of the state. The public members appointed by the governor must be appointed using the public appointments process under section 15.0597.

(c) The State Arts Board, the Minnesota Historical Society, the Capitol Area Architectural and Planning Board, and the commissioner of administration shall each appoint one individual to serve ex-officio on the advisory committee as a nonvoting member.

(d) The advisory committee may meet as frequently as needed to complete its work and shall annually, or when requested by the commissioner, provide the commission with a list of recommended exhibits of works of art by Minnesota artists for possible display in the State Capitol.

Subd. 4. **Terms; removal; vacancies; compensation.** Except as otherwise provided in this section, terms, removal, vacancies, and compensation are as provided in section 15.059. Terms of advisory committee members begin the first Tuesday after the first Monday in January and are for four years.

Subd. 5. **Chair.** The committee shall elect a chair from among its members. The committee may elect other officers as it deems necessary.

Subd. 6. **Open meetings.** Committee meetings are subject to chapter 13D.

Subd. 7. **Conflict of interest.** A member of the committee may not participate in the discussion of or vote on a decision of the committee relating to an organization in which the member has either a direct or indirect financial interest.

Subd. 8. **Gifts; grants; donations.** The committee may accept gifts and grants, which are accepted on behalf of the state and constitute donations to the state. Funds received under this subdivision are appropriated to the commissioner of administration for purposes of the committee.

History: *2018 c 214 art 2 s 2; 2019 c 50 art 1 s 8*