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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **4256**

- 03/26/2018 Authored by Urdahl; Murphy, M.; Davids; Loeffler and Pugh
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy
- 04/26/2018 Adoption of Report: Amended and re-referred to the Committee on Legacy Funding Finance
Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration

1.1 A bill for an act

1.2 relating to state government; requiring approval of the Capitol Preservation

1.3 Commission for the display of works of art in certain areas of the Capitol;

1.4 establishing a Capitol Art Exhibit Advisory Committee; amending Minnesota

1.5 Statutes 2016, section 15B.32, as amended; proposing coding for new law in

1.6 Minnesota Statutes, chapter 15B.

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

1.8 Section 1. Minnesota Statutes 2016, section 15B.32, as amended by Laws 2017, First

1.9 Special Session chapter 8, article 2, section 1, is amended to read:

1.10 **15B.32 STATE CAPITOL PRESERVATION COMMISSION.**

1.11 Subdivision 1. **Definitions.** (a) As used in this section and section 15B.36, the terms

1.12 defined in this subdivision have the following meanings.

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

1.14 section.

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

1.16 (d) "Board" means the Capitol Area Architectural and Planning Board created under

1.17 section 15B.03.

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

1.19 Subd. 2. **Membership.** The State Capitol Preservation Commission consists of ~~22~~ 24

1.20 members, appointed as follows:

- 1.21 (1) the governor;
- 1.22 (2) the lieutenant governor;

2.1 (3) the attorney general;

2.2 (4) the chief justice of the Supreme Court, or the chief justice's designee, who shall be
2.3 a member of the Supreme Court;

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

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

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

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

2.12 ~~(7)~~ (9) two members of the senate, including one member from the majority party
2.13 appointed by the majority leader and one member from the minority party appointed by the
2.14 minority leader;

2.15 ~~(8)~~ (10) two members of the house of representatives, including one member appointed
2.16 by the speaker of the house and one member from the minority party appointed by the
2.17 minority leader;

2.18 ~~(9)~~ (11) the chair and ranking minority member of the house of representatives committee
2.19 with jurisdiction over capital investment and the chair and ranking minority member of the
2.20 senate committee with jurisdiction over capital investment;

2.21 ~~(10)~~ (12) the commissioner of administration or the commissioner's designee;

2.22 ~~(11)~~ (13) the commissioner of public safety or the commissioner's designee;

2.23 ~~(12)~~ (14) the executive director of the Minnesota Historical Society or the executive
2.24 director's designee;

2.25 ~~(13)~~ (15) the executive secretary of the Capitol Area Architectural and Planning Board;
2.26 and

2.27 ~~(14)~~ (16) four public members appointed by the governor.

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

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

3.3 (c) The removal of members and filling of vacancies on the commission are as provided
3.4 in section 15.059. ~~Public members may receive compensation and expenses as provided~~
3.5 ~~under section 15.059, subdivision 3.~~

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

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

3.12 Subd. 5. **Administrative support.** ~~The commission may designate an executive secretary~~
3.13 ~~and obtain administrative support through a contract with a state agency or other means.~~

3.14 The commissioner of administration shall provide administrative support to the commission.

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

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

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

3.21 ~~(3) may assist in the selection of an architectural firm to assist in the preparation of the~~
3.22 ~~predesign plan for the restoration of the Capitol building;~~

3.23 ~~(4)~~ (3) shall develop a comprehensive, multiyear, predesign maintenance and preservation
3.24 plan for the restoration of the Capitol building, review the plan periodically, and, as
3.25 appropriate, amend and modify the plan. The predesign plan shall identify appropriate and
3.26 required functions of the Capitol building; identify and address space requirements for
3.27 legislative, executive, and judicial branch functions; and identify and address the long-term
3.28 maintenance and preservation requirements of the Capitol building. ~~In developing the~~
3.29 ~~predesign plan, the commission shall take into account the comprehensive plan for the~~
3.30 ~~Minnesota State Capitol Area, as amended in 2010, the rules governing zoning and design~~
3.31 ~~for the Capitol Area, citizen access, information technology needs, energy efficiency,~~
3.32 ~~security, educational programs including public and school tours, and any additional space~~

4.1 ~~needs for the efficient operation of state government~~ and shall take into account the
4.2 recommendations of the long-range strategic plan under section 16B.24;

4.3 ~~(5) (4)~~ shall develop and implement a plan to ~~reopen the~~ ensure a welcoming and
4.4 accessible Minnesota State Capitol and reintroduce it to the citizens of Minnesota for all
4.5 Minnesotans and visitors;

4.6 ~~(6) (5)~~ shall develop and implement a comprehensive financial plan to fund the ongoing
4.7 preservation and restoration of the Capitol building;

4.8 ~~(7) (6)~~ shall provide annual reports about the condition of the Capitol building and its
4.9 needs, as well as all activities related to the ~~restoration~~ preservation of the Capitol building;
4.10 and

4.11 ~~(8) (7)~~ may solicit gifts, grants, or donations of any kind from any private or public
4.12 source to carry out the purposes of this section. For purposes of this section, the commissioner
4.13 of administration may expend money appropriated by the legislature for these purposes in
4.14 the same manner as private persons, firms, corporations, and associations make expenditures
4.15 for these purposes. All gifts, grants, or donations received by the commission shall be
4.16 deposited in a State Capitol preservation account established in the special revenue fund.
4.17 Money in the account is appropriated to the commissioner of administration for the activities
4.18 of clause (5), the commission, and implementation of the predesign plan under this section.
4.19 ~~The gift acceptance procedures under sections 16A.013 to 16A.016 do not apply to this~~
4.20 ~~clause.~~ Appropriations under this clause do not cancel and are available until expended;
4.21 and

4.22 (8) shall approve a program of art exhibits to encourage public visits to the Capitol to
4.23 be displayed in a space in the Capitol building that is listed in section 15B.36, subdivision
4.24 1, before an exhibit that is part of the program can be displayed for two weeks or longer.
4.25 When considering recommendations made under section 15B.36, the commission must
4.26 approve or reject recommended exhibits as a whole and may not approve or reject individual
4.27 pieces within a recommended exhibit. The approved program shall address the proposed
4.28 schedule, how it addresses adopted themes for art in the Capitol, and the type or types of
4.29 artwork.

4.30 (b) By January 15 of each year, the commission shall report to the chairs and ranking
4.31 minority members of the legislative committees with jurisdiction over ~~the commission state~~
4.32 government operations, capital investment, finance, ways and means, and legacy finance
4.33 regarding the activities and efforts of the commission in the preceding calendar year
4.34 maintenance and preservation needs of the Capitol building, including recommendations

5.1 adopted by the commission, the comprehensive financial plan required under paragraph (a),
5.2 clause (6), and any proposed draft legislation necessary to implement the recommendations
5.3 of the commission.

5.4 Sec. 2. [15B.36] CAPITOL ART EXHIBIT ADVISORY COMMITTEE.

5.5 Subdivision 1. **Application.** This section applies to art exhibits in the following spaces
5.6 within the State Capitol: (1) the third floor east wing; (2) the egress lobbies added as part
5.7 of the Capitol restoration completed in 2017; (3) the tunnels connecting legislative office
5.8 buildings to the Capitol; (4) room 104A of the Capitol; and (5) the entire Capitol basement,
5.9 excluding the historic Rathskeller, Governor's Dining Room, and Justices' Dining Room.
5.10 The speaker of the house of representatives, the president of the senate, and the chief justice
5.11 of the Minnesota Supreme Court may request that the advisory committee provide
5.12 recommendations on art in their respective hearing rooms and other tenant spaces.

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

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

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

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

5.26 (1) reflect on Minnesota history;

5.27 (2) understand Minnesota government;

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

5.29 (4) inspire citizen engagement; and

5.30 (5) appreciate the varied landscapes of Minnesota.

6.1 (c) The commissioner of administration shall provide administrative support and curatorial
6.2 services to the advisory committee and implement displays of art exhibits approved by the
6.3 commission under section 15B.32, subdivision 6, paragraph (a), clause (8).

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

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

6.11 (1) five appointed by the governor;

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

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

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

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

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

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

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

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

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

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

7.9 Sec. 3. **CAPITOL ART EXHIBIT ADVISORY COMMITTEE; FIRST**
7.10 **APPOINTMENTS AND FIRST MEETING.**

7.11 (a) Appointing authorities for membership of the Capitol Art Exhibit Advisory Committee
7.12 under Minnesota Statutes, section 15B.36, shall make first appointments to the committee
7.13 by September 15, 2018. The commissioner of administration shall convene the first meeting
7.14 of the committee by November 1, 2018, and serve as chair until the committee elects a chair
7.15 from among its members at its first meeting.

7.16 (b) The following members are appointed to an initial term that ends January 5, 2021:
7.17 two members appointed by the governor; one member each appointed by the majority leader
7.18 of the senate, the minority leader of the senate, the speaker of the house, and the minority
7.19 leader of the house of representatives. The remaining members are appointed to terms that
7.20 end on January 3, 2023.