

CHAPTER 1122—S. F. No. 2231

[Coded]

An act relating to regional development commissions in certain areas of the state; prescribing their powers and duties; and appropriating money therefor.

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

Section 1. **[462.381] Regional development act of 1969; title.** This act may be cited as the “Regional Development Act of 1969.”

Sec. 2. **[462.382] Application.** The provisions of this act have no application to the metropolitan council created by or the region defined by Laws 1967, Chapter 896.

Sec. 3. **[462.383] Purpose.** Subdivision 1. The legislature finds that problems of growth and development in urban and rural regions of the state so transcend the boundary lines of local government units that no single unit can plan for their solution without affecting other units in the region; that various multi-county planning activities conducted under various laws of the United States are presently being conducted in an uncoordinated manner; that intergovernmental cooperation on a regional basis is an effective means of pooling the resources of local government to approach common problems; and that the assistance of the state is needed to make the most effective use of local, state, federal, and private programs in serving the citizens of such urban and rural regions.

Subd. 2. It is the purpose of this act to facilitate intergovernmental cooperation and to insure the orderly and harmonious coordination of state, federal, and local comprehensive planning and development programs for the solution of economic, social, physical, and governmental problems of the state and its citizens by providing for the creation of regional development commissions.

Sec. 4. **[462.384] Definitions.** Subdivision 1. For the purposes of this act the terms defined in this section have the meanings given them.

Subd. 2. “Governmental unit” means a county, city, village, borough, town, school district, or other political subdivision of the state.

Subd. 3. “Municipality” means a city, village, or borough.

Subd. 4. “Commission” means a regional development commission created under this act.

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Subd. 5. "Development region" or "region" means a geographic region composed of a grouping of counties embodied in an executive order of the governor or as otherwise established by this act.

Subd. 6. "Subregion" or "subdistrict" means any combination of governmental units formed under Minnesota Statutes, Sections 471.59, 462.371 to 462.375, or under any other statute combining or enabling the combination of governmental units for special purposes.

Subd. 7. "State planning officer" means the governor of the state of Minnesota exercising the authority conferred upon him by Minnesota Statutes, Sections 4.10 to 4.17.

Sec. 5. **[462.385] Designation of regions.** Subdivision 1. Development regions for the state shall be those regions so designated by the governor by executive order. The order shall provide for public hearings within each proposed region after which any county may request assignment to a region other than that proposed by the order. If such a request for reassignment is unacceptable to the state planning officer, the county shall remain in the originally designated region until the next session of the legislature for its review and final assignment.

Subd. 2. The boundaries of any economic development district established under Section 403 of the United States Public Works and Economic Development Act of 1965 shall not be modified without the approval of an affected county and the development district.

Subd. 3. The state planning agency shall conduct continuous studies and analysis of the boundaries of regions and shall make recommendations for their modification where necessary. Modification may be initiated by a county, a commission, or by the state planning officer and will be accomplished in accordance with this section as in the case of initial designation.

Sec. 6. **[462.386] Multi-county planning and development; conformance with regions.** Subdivision 1. On the effective date of this act, all coordination, planning, and development regions assisted or created by the state of Minnesota or pursuant to federal legislation shall conform to the regions designated by the executive order except where, after review and approval by the state planning officer, nonconformance is clearly justified. The state planning officer shall develop working agreements with state and federal departments and agencies to insure conformance with this subdivision.

Subd. 2. Aggregation of the regions into larger units may be

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authorized by the state planning officer where, in his judgment, such action is necessary to accomplish the objectives of particular planning programs.

Sec. 7. [462.387] Regional development commissions; establishment. Subdivision 1. **Petition.** Any combination of counties or municipalities representing a majority of the population of the region for which a commission is proposed may petition the state planning officer by formal resolution setting forth its desire to establish, and the need for, the establishment of a regional development commission. If the state planning officer is of the opinion that sufficient need exists for the creation of the proposed commission, he may initiate its establishment pursuant to subdivision 3. For purposes of this section the population of a county does not include the population of a municipality within the county.

Subd. 2. **Initiation by state planning officer.** If the state planning officer is of the opinion that because of conditions of economic distress, duplication and overlapping of governmental programs, or exceptional need for regional coordination of planning and intergovernmental cooperation, there is need for the establishment of a regional development commission, he may by written order initiate the establishment pursuant to subdivision 3.

Subd. 3. **Establishment.** A regional development commission shall be established upon the appointment of a chairman by the state planning officer and the notification of all local government units within the region for which the commission is proposed. Such appointment and notification shall be made within 60 days of his receipt of a petition under subdivision 1 or within 60 days of his order under subdivision 2 of this section.

Subd. 4. The chairman will call together each of the membership classifications except citizen groups, defined in section 8 of this act, within 60 days of his appointment for the purpose of selecting the commission membership.

Sec. 8. [462.388] Commission membership. Subdivision 1. A commission shall consist of the following members:

- (1) one member from each county board of every county in the development region;
- (2) one additional county board member from each county of over 100,000 population;
- (3) one member of a town board of supervisors;
- (4) one mayor or councilman from a municipality of under

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10,000 population from each county, selected by the mayors of all such municipalities in the development region;

(5) one mayor or councilman from each municipality of over 10,000 in each county;

(6) two school board members;

(7) one member from each council of governments;

(8) one member representing special districts;

(9) citizens representing public interests within the region including members of minority groups to be selected after adoption of the bylaws of the commission; and

(10) a chairman appointed by the state planning officer, pursuant to section 9 of this act.

Subd. 2. The terms of office and method of selection of members other than the chairman shall be provided in the bylaws of the commission which shall not be inconsistent with the provisions of subdivision 1 of this section. The commission shall adopt rules setting forth its procedures.

Subd. 3. The state planning officer, with the approval of the chairman, may appoint ex officio members of each commission, without a vote in commission proceedings.

Subd. 4. In any region where an operating economic development district has been designated by the governor and the secretary of commerce, the present board shall constitute the membership of the commission, until July 1, 1970, at which time the membership will be changed to meet the requirements of this act.

Subd. 5. Members of the regional commission shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the commission. The commission shall provide for the election of a 11-man board of directors, who need not be commission members, and provide, at its discretion, for a per diem of not over \$35 a day and expenses. The board of directors shall limit its membership so that not more than 6 may be elected officials.

Sec. 9. [462.389] **Development commissions; officers and staff.** Subdivision 1. **Chairman.** The chairman of the commission shall be a resident of the region and shall be a person experienced in the field of government affairs. The chairman shall preside at the meetings of the commission and board of directors. He shall appoint all employees thereof, subject to the approval of the commission, and be responsible for carrying out all policy decisions of the

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commission. His expense allowances shall be fixed by the commission. The term of the first chairman shall be two years from the date of his appointment, and he shall serve until his successor is selected and qualifies. At the expiration of the term of the first chairman, the chairman shall be elected from the membership of the commission according to procedures established in its bylaws.

Subd. 2. **Officers.** Except as provided in subdivision 1, the commission shall elect such officers as it deems necessary for the conduct of its affairs. Times and places of regular and special meetings shall be fixed by the commission and may be provided in the commission bylaws. In the performance of its duties the commission may adopt bylaws, rules governing its operation, establish committees, divisions, departments, and bureaus, and staff the same as necessary to carry out its duties and when specifically authorized by law make appointments to other governmental agencies and districts. All officers and employees shall serve at the pleasure of the commission and in accordance with this section.

Subd. 3. **Executive director.** Upon the recommendation of the chairman, the commission may appoint an executive director to serve as the chief administrative officer. He may be chosen from among the citizens of the nation at large, and shall be selected on the basis of his training and experience in the field of government affairs.

Subd. 4. **Employees.** The commission shall prepare, in consultation with the state director of civil service, and adopt a merit system for its officers and employees including terms and conditions for the employment, the fixing of compensation, their classification, benefits, and the filing of performance and fidelity bonds, and such policies of insurance as it may deem advisable, the premiums for which, however, shall be paid for by the commission. Officers and employees are public employees within the meaning of Minnesota Statutes, Chapter 353. The commission shall make the employer's contributions to pension funds of its employees.

Subd. 5. **Staff services.** To avoid duplication of staffs for various regional bodies assisted by federal government, the commission may provide basic administrative, research, and planning services for all regional planning and development bodies hereafter established in Minnesota. The commission may contract to obtain or perform services with state agencies, nonprofit regional groups, subdistricts organized as the result of federal programs, councils, or government organized under Minnesota Statutes, Section 471.59, or any other law, and with local governments.

Subd. 6. **Consultants.** The commission may contract for

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the services of consultants who perform engineering, legal, or other services of a professional nature for peak workloads, continuing advice on program direction, and for specialized and technical services. Such contracts shall not be subject to the requirements of any law relating to public bidding.

Sec. 10. **[462.39] General powers and duties.** Subdivision 1. The commission shall have and exercise all powers which may be necessary or convenient to enable it to perform and carry out the duties and responsibilities of this act or which may hereafter be imposed upon it by law. Such powers include the specific powers enumerated in this section.

Subd. 2. **Federal programs.** The commission is the authorized agency to receive state and federal grants for regional purposes from the following programs:

- (1) Section 403 of the Public Works and Economic Development Act of 1965 (economic development districts);
- (2) Section 701 of the Housing Act of 1954, as amended (multi-county comprehensive planning);
- (3) Omnibus Crime Control Act of 1968; and for the following to the extent feasible as determined by the governor:
 - (a) Economic Opportunity Act of 1964;
 - (b) Comprehensive Health Planning Act of 1965;
 - (c) Federal regional manpower planning programs;
 - (d) Resource, conservation, and development districts; or
 - (e) Any state and federal programs providing funds for multi-county planning, coordination, and development purposes. The state planning officer shall, where consistent with state and federal statutes and regulations, review applications for all state and federal regional planning and development grants to a commission.

Subd. 3. **Planning.** The commission shall prepare and adopt, after appropriate study and such public hearings as may be necessary, a comprehensive development plan for the region. The plan shall consist of a compilation of policy statements, goals, standards, programs, and maps prescribing guides for an orderly and economic development, public and private, of the region. The comprehensive development plan shall recognize and encompass physical, social, or economic needs of the region, and those future developments which will have an impact on the entire region including but not limited to such matters as land use, parks and open space land needs,

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the necessity for and location of airports, highways, transit facilities, public hospitals, libraries, schools, public and private, housing, and other public buildings. In preparing the development plan the commission shall use to the maximum extent feasible the resources studies and data available from other planning agencies within the region, including counties, municipalities, special districts, and subregional planning agencies, and it shall utilize the resources of the state planning agency to the same purpose. No development plan or portion thereof for the region shall be adopted by the commission until it has been submitted to the state planning agency for review and comment and a period of 60 days has elapsed after such submission. When a development plan has been adopted, the commission shall distribute it to all local government units within the region.

Subd. 4. Comprehensive planning. The creation of a regional development commission does not affect the right of counties or municipalities to conduct subregional or district planning under Minnesota Statutes, Sections 462.371 to 462.375 or Section 471.59. It is the purpose of this act to encourage local and subdistrict planning capability and the regional commission shall as far as practical use the data, resources, and input of the local planning agencies.

Sec. 11. [462.391] Specific powers and duties. Subdivision 1. **Planning review of local government units.** Each city, village, borough, town, county, watershed district, and soil conservation district, all or part of which lies within the region, shall submit to the commission, for comment and recommendation thereon, its long term comprehensive plans or any matter which in the judgment of the commission has a substantial effect on regional development, including but not limited to plans for land use. The commission shall maintain such plans in its files available for inspection by members of the public. No action shall be taken to place any such plan or part thereof into effect until 60 days have elapsed after its submission. Promptly after submission, the commission shall notify each city, village, borough, town, county, or special district which may be affected by the plans submitted, of the general nature of the plan, the date of submission and the identity of the submitting unit. *Political subdivisions contiguous to the submitting unit shall be notified in all cases.* Within ten days after receipt of such notice any governmental unit so notified may request the commission to conduct a hearing at which the submitting unit and any other governmental unit or subdivision may present its views. The commission may attempt to mediate and resolve differences of opinion which exist among the participants in the hearing with respect to the plans submitted.

Subd. 2. Review of independent agencies. The commission

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shall review all long term comprehensive plans of each independent commission, board, or agency prepared for its operation and development within the region but only if such plan is determined by the commission to have a regional effect, a multi-community effect, or to have a substantial effect on regional development. Each plan shall be submitted to the commission before any action is taken to place the plan or any part thereof, into effect. No action shall be taken to place any plan or any part thereof into effect until 60 days have elapsed after the date of its submission to the commission or until the commission finds and notifies the submitting commission, board, or agency that the plan is consistent with its development plan for the region and the orderly and economic development of the region, whichever first occurs. If, within 60 days after the date of submission, the commission finds that a plan, or any part thereof, is inconsistent with its comprehensive plan for the region or detrimental to the orderly and economic development of the region, or any part thereof, such plan shall be indefinitely suspended. An affected independent commission, board, or agency may appeal the decision of the commission suspending a plan, or part thereof, to the commission, and if the commission and the affected independent commission, board, or agency are unable to agree as to an adjustment of the plan, so that it may receive the commission's approval, then a record of the disagreeing positions shall be made and presented for consideration and disposition by the state planning officer.

Subd. 3. Review of federal and state aid programs. The commission shall review all applications of governmental units, independent commissions, boards, or agencies operating in the region for a loan or grant from the United States of America or any agency, including state agencies and colleges or universities, for public facilities, studies, or any other purpose if the application clearly is related to the region, whether or not such review is required by the federal government. The review shall advise the granting authority as to relationship of the application to the comprehensive plans and priorities of the region as established by the region. All review actions together with copies of applications shall be submitted on a regular basis for informational purposes to the state planning agency. The requirements of this subdivision do not apply to applications of governmental units or other political subdivisions which have been reviewed by a subregion or subdistrict which has been designated by the United States Government as an authorized areawide review agency under Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966. All review actions, together with copies of applications, shall be submitted by the subregion on a regular basis to the commission for informational purposes.

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Subd. 4. **Review procedures.** The commission shall develop, in consultation with the state planning officer, formal procedures for the review of plans, applications, and other matters required to be submitted to it by this act. Such procedures shall be embodied in a formal resolution adopted after public hearing. After adoption the resolution shall be transmitted to each governmental unit and independent agency, board, or commission within the region.

Subd. 5. **Urban and rural research.** Where studies have not been otherwise authorized by law the commission may study the feasibility of programs relating but not limited to water, land use, economic development, minority problems, governmental problems, human and natural resources, communication, transportation, and other subjects of concern to the citizens of the region, may institute demonstration projects in connection therewith, and may accept gifts for such purposes as otherwise authorized in this act.

Subd. 6. **Civil defense and flood plain management.** The commission may coordinate civil defense, community shelter planning, and flood plain management programs within the region, accept gifts for such purposes as otherwise authorized in this act, and contract with local governmental agencies and consultants in connection therewith.

Subd. 7. **Local government boundaries.** The commission may

(1) participate as a party in any proceedings originating before the Minnesota municipal commission under Minnesota Statutes, Chapter 414, *if the proceedings involve the change in a boundary of a governmental unit in the region*; and

(2) conduct studies of the feasibility of annexing, enlarging, or consolidating local governmental units in the region.

Subd. 8. **Special districts.** The commission may appoint from its membership a member to serve on any subregional planning board, any council of government within the region, and any multi-region or federal agency created by federal funds within the jurisdiction of the regional commission as authorized by law. Each member so appointed on each of such commissions shall serve without a vote.

Subd. 9. **Data and information.** The commission in consultation with appropriate departments and agencies of the state may develop, in cooperation with the public and private colleges and universities and local governmental units, a center for data collection and storage to be used by it and other governmental and private users, and may accept gifts as otherwise authorized in this act for the pur-

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poses of furnishing information on such subjects as population, land use, governmental finances, and the like. The commission may enter into agreement with any state or federal agency to provide information to the local units of government, and others, regarding federal and state programs and data sources.

Subd. 10. **Service to local government.** The commission may contract with local units of government to provide them with services and technical assistance in the conduct of local planning and development activities.

Sec. 12. [462.392] **Special studies and reports.** The commission may engage in a continuous program of research and study concerning the matters enumerated in this section but not limited thereto.

- (1) The acquisition and financing of suitable major parks and open spaces within the region;
- (2) The control and prevention of water and air pollution in conformity with applicable federal and state laws;
- (3) The examination of the tax structure in the region and consideration of ways to equalize the tax resources and fiscal disparities therein;
- (4) Flood plain management programs;
- (5) The possibility of consolidation of common services of local governmental units and the kind of consolidation most suitable in the public interest;
- (6) A long range capital improvement program for the region;
- (7) Identification of human, economic, social, physical, governmental problems, and opportunities;
- (8) Assignment of priorities for the development of human, economic, and natural resources of the region;
- (9) Identification of housing problems and planning work programs for housing;
- (10) Low income and minority group problems and opportunities; and
- (11) Identification of all facets and elements of law enforcement activity, including police, court, and correctional programs and systems.

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Sec. 13. **[462.393] Reports.** On or before February 1 of each year, the commission shall prepare a report for the governmental units, the public within the region, the legislature and the governor. The report shall include:

(1) A statement of the commission's receipts and expenditures by category since the preceding report;

(2) A detailed budget for the year in which the report is filed and the following year including an outline of its program for such period;

(3) A description of any comprehensive plan adopted in whole or in part for the region;

(4) Summaries of any studies and the recommendations resulting therefrom made for the region;

(5) A listing of all applications for federal grants or loans made by governmental units within the region together with the action taken by the commission in relation thereto;

(6) A listing of plans of local governmental units submitted to the region, and actions taken in relationship thereto; and

(7) Recommendations of the commission regarding federal and state programs, cooperation, funding, and legislative needs.

Sec. 14. **[462.394] Citizen participation and advisory committees.** The commission may appoint advisory committees of interested and affected citizens to assist in the review of plans, programs, and other matters referred for review by the commission. Whenever a special advisory committee is required by any federal or state regional program the commission chairman shall, as far as practical, appoint such committees as advisory groups to the commission. Members of the advisory committees shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the commission.

Sec. 15. **[462.395] Duties of state agencies, state planning agency.** All state departments and agencies shall cooperate with regional development commissions established under this act and shall make available to them studies, reports, data, and other informational and technical assistance within financial and personnel limitations. The state planning agency and the office of local and urban affairs shall coordinate the state's assistance programs to regional planning and development commissions.

Sec. 16. **[462.396] Financial; state assistance.** Sub-

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division 1. The state planning officer will make available to any commission created under this act a sum not to exceed \$25,000 a year for fiscal years 1970 and 1971, provided a work program is submitted acceptable to the state planning officer. Thereafter any regional commission may levy a tax on all taxable property in the region to provide funds for the purposes of this act.

Subd. 2. On or before October 1, 1971, and each year thereafter, the commission shall adopt, after a public hearing, a budget covering its anticipated receipts and disbursements for the ensuing year and shall decide upon the total amount necessary to be raised from ad valorem tax levies to meet its budget. After adoption of the budget and no later than October 1, the secretary of the commission shall certify to the auditor of each county within the region the county share of such tax, which shall be an amount bearing the same proportion to the total levy agreed on by the commission as the assessed valuation of the county bears to the assessed valuation of the region. The maximum amount of any levy made for the purposes of this act shall not exceed one half mill on each dollar of assessed valuation of all taxable property in the region. The auditor of each county in the region shall add the amount of any levy made by the commission within the limits imposed by this subdivision to other tax levies of the county for collection by the county treasurer with other taxes. When collected the county treasurer shall make settlement of such taxes with the commission in the same manner as other taxes are distributed to political subdivisions. The levy authorized by this section shall be in addition to any other county taxes authorized by law.

Subd. 3. The commission may accept gifts, apply for and use grants or loans of money or other property from the United States, the state, or any person, local or governmental body for any commission purpose and may enter into agreements required in connection therewith and may hold, use, and dispose of such moneys or property in accordance with the terms of the gift, grant, loan, agreement, or contract relating thereto.

Subd. 4. The commission shall keep an accurate account of its receipts and disbursement. Disbursements of funds of the commission shall be made by check signed by the chairman or vice chairman or secretary of the commission and countersigned by the executive director or his authorized deputy thereof after such auditing and approval of the expenditure as may be provided by rules of the commission. The public examiner shall audit the books and accounts of the commission once each year, or as often as funds and personnel of the public examiner permit. The commission shall pay to the state the total cost and expenses of such examination, including the salaries

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paid to the examiners while actually engaged in making such examination. The revolving fund of the public examiner shall be credited with all collections made for any such examination.

Subd. 5. Every contract of the commission for the purchase of merchandise, materials, or supplies which requires an expenditure of \$1,000 or more shall be let to the lowest responsible bidder after notice has been published once in a legal newspaper of general circulation in the region at least ten days in advance of the last day for the *submission of bids*.

Subd. 6. The commission shall from time to time designate one or more national or state banks, or trust companies authorized to do a banking business, as official depositories for money of the commission, and thereupon shall require the treasurer to deposit all or part of such money in such bank or banks. Such designation shall be in writing and set forth all the terms and conditions upon which the deposits are made, and shall be signed by the chairman and secretary, and made a part of the minutes of the commission. Any bank or trust company so designated shall qualify as a depository by furnishing a corporate surety bond or collateral as required by Minnesota Statutes, Chapter 118, and shall thereafter, as long as money of the commission is on deposit therein, maintain such bond or collateral and shall be required to secure any deposit, insofar as it is insured under federal law, as provided in Minnesota Statutes, Section 118.10.

Sec. 17. **Effective date.** This act is effective on June 1, 1969.

Approved June 6, 1969.

CHAPTER 1123—H. F. No. 485

An act relating to motorcycles; licenses, safety and driving regulations; amending Minnesota Statutes 1967, Section 169.974, Subdivisions 2, 3, and 5.

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

Section 1. Minnesota Statutes 1967, Section 169.974, Subdivision 2, is amended to read:

Subd. 2. **Motorcycles; licenses; regulations.** No person shall operate a motorcycle on any street or highway after September 30, 1968, unless he has a valid standard driver's license with a two-

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