

CHAPTER 849—H.F.No.189

[Not Coded]

An act establishing a Minnesota experimental city authority; defining its powers and duties; and appropriating money therefor.

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

Section 1. **[462B.01] EXPERIMENTAL CITY AUTHORITY; POLICY AND PURPOSE.** Subdivision 1. In the effort to make cities responsive to changing human needs and living patterns there is constant need to test and demonstrate the social, economic, and physical capabilities that can be achieved by uniting the resources of existing private technology with public authority. Since urban systems are complex and interacting and should not be changed without assurance of improvement and cannot be changed except at great expense, no existing city can serve as a laboratory for total systems experimentation and planning in a coordinated way. A new city, established and brought to substantial completion within a relatively short period, is the only institution by which new techniques of study, planning, and development can be fully used to achieve ecological balance in the city and its environs, orderly growth of an efficient urban environment at a prescribed location and time, adjustment of public investment to the actual growth pattern and future needs, and proper relationships of work and residential locations and commercial and public buildings to their functions and the concentrations of people whom they serve. It is the purpose of this chapter to provide a vehicle for cooperative, coordinated effort by the state and federal governments, academic institutions, business and industry in partnership for planning and effectuating such a project, to be designated as the Minnesota experimental city or MXC.

Subd. 2. It is the objective of MXC to create benefits extending throughout the state, and particularly in undeveloped regions as a regional focus for public and private investment, by providing greater direct employment and training opportunities for unemployed or underemployed citizens, increasing the general level of economic activity, and reducing outmigration; to improve the quality of life of all persons; to test and demonstrate an alternative to increasing densities and megalopolitan growth, and new approaches to pollution control and the protection of the total environment, and new methods of land use and development, construction techniques, and ordering community life and residence that will be available and useful in developing solutions to problems of existing cities and metropolitan areas; and to serve as a model for the solution of the social problems of urban life in a democratic society. The achievement of this objective is determined to be necessary in the public interest and to be a proper public purpose for which governmental powers can and should be exercised in the manner and to the extent provided in this chapter.

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Sec. 2. [462B.02] MINNESOTA EXPERIMENTAL CITY AUTHORITY. Subdivision 1. A Minnesota experimental city authority, referred to below as the authority, is established as an agency of the state with limited powers as set forth in this chapter.

Subd. 2. The authority shall consist of eleven members, appointed by the governor with the advice and consent of the senate. No more than six appointed members holding office at the same time shall be members of the same political party, and no appointed member shall hold any elective office. The governor shall give appropriate consideration to geographical representation from all congressional districts of the state in making his appointments. The members shall be appointed for terms expiring on July 1, 1973. The persons from time to time holding office as director of planning, commissioner of economic development, director of the pollution control agency, and commissioner of natural resources of the state shall be ex officio members of the authority, and they or deputies designated by them may attend and participate in its meetings but shall have no vote.

Subd. 3. From the members of the authority the governor shall appoint a chairman and the authority by a majority of its members shall appoint a vice chairman, each to hold office for a term expiring July 1, 1973. The authority shall by like vote appoint a secretary and a treasurer who may but need not be members of the authority, to hold office at the pleasure of the authority, subject to the terms of any contract of employment entered into by the authority with the secretary or treasurer. Deputies may be appointed by the secretary or treasurer with the approval of the authority, to perform any or all of the duties of their respective offices. All members of the authority shall serve without compensation except such compensation as may be fixed by the authority for services performed as secretary or treasurer if not members of the authority. Each member of the authority shall receive as a per diem and not as compensation the sum of \$35 for each meeting of the authority actually attended, and reimbursement for travel and other necessary expenses as provided for state employees.

Subd. 4. The authority shall appoint and may remove at will an executive director who shall be chosen solely on the basis of his training, experience, and other qualifications in the planning and effectuation of city development and who, when appointed, need not be a resident of the state. The executive director shall appoint and remove, on the basis of training and experience, all subordinate officers and regular employees of the authority. He shall present such plans, studies, reports, and recommendations for action as he deems necessary or the authority directs for the exercise and performance of its powers and duties and the efficient administration of its affairs; shall prepare the authority's annual budget and keep it

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fully advised of its financial condition, and shall perform such other duties as the authority directs.

Subd. 5. The authority shall hire such regular staff of employees as may be necessary for its operation and planning, and for the conduct of its regular business and finances, and such services as may be obtained by contract with other state agencies or political subdivisions. Its regular employees shall be in the unclassified service of the state. The authority may also employ consultants on such terms as it seems advisable to perform planning, engineering, architectural, survey, legal, financial, and other professional services.

Subd. 6. The authority shall adopt resolutions or bylaws establishing procedures for its meetings and operations and for keeping records, safekeeping and disbursing funds, and audit of its financial operations. It shall meet regularly at least once each month at such time and place as it designates by resolution and may hold special meetings at any time upon the call of the chairman or any two members, upon written notice mailed to each member at least three days before the meeting, or upon such other notice as the authority may direct by resolution, or without notice if each member is present or files with the secretary a written consent to the meeting either before or after the meeting. Unless otherwise provided, any action of the authority may be taken by the vote of a majority of the members present at a regular or adjourned regular meeting or at a duly called special meeting, if a quorum equal to a majority of all members is present. A lesser number may meet and adjourn from time to time and compel the attendance of absent members.

Subd. 7. The authority shall make an annual report of its operations to the legislature and the governor on or before November 15 in each year.

Sec. 3. **[462B.03] ADVISORY COMMITTEE.** An advisory committee to the authority is also established, consisting of 21 members. Fifteen shall be appointed by the governor, who shall endeavor to include among his appointments persons who are officers or employees of the federal government, the university of Minnesota, and one or more nonprofit corporations engaged in research directed toward the planning and effectuation of MXC. Six additional members, who may be members of the legislature, shall be appointed, three by the senate committee on committees and three by the speaker of the house. Members need not be residents of the state. All members shall serve at the pleasure of their appointing authority and without compensation, but shall be reimbursed for travel and other necessary expenses as provided for state employees. The committee shall upon request of the authority and may upon its own motion make recommendations or comment on any matter of planning or policy relating to MXC, and the authority shall make an annual report of its operations to the committee on or before November 15 in each year.

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Sec. 4. [462B.04] DUTIES OF AUTHORITY. Subdivision 1. The authority, working in cooperation with appropriate federal and state agencies, nonprofit corporations and citizens' committees concerned with research directed toward the planning and effectuation of MXC, shall develop and formulate criteria to be used in the selection and designation of a site, and then, based on such criteria, shall if it is appropriate under the circumstances make a designation of a site for establishment of MXC.

Subd. 2. In the development of MXC the authority shall endeavor to cooperate fully with all affected counties, school districts, and other political subdivisions.

Subd. 3. The authority, working in cooperation with the groups referred to in subdivision 1, shall conduct and carry on further investigation and research into the needs and requirements of MXC and a further and continued participation of the Minnesota state government executive and legislative branches. Such detailed study shall include consideration of such questions as power of eminent domain; rentals; basis for school aids, insurance ratings; building, zoning and construction codes; form of municipal government, and other relevant data.

Subd. 4. In order to accomplish the duties set forth herein, the authority shall investigate, study, and prepare a comprehensive plan setting forth in detail its various criteria and recommendations.

Subd. 5. In making its study, report and recommendations, the authority shall cooperate to the fullest extent possible with all agencies, groups, committees, institutions and persons working on and familiar with the concept of MXC. In order to avoid duplication of work, the authority shall make maximum use of reports, data and information available on the subject of MXC, and maximum use of reports, data, land use studies and information available from the planning programs for departments of state government, including but not limited to the departments of planning, economic development, and natural resources, the offices of the attorney general and senate counsel, the legislative research staff, and other public and private research and planning agencies. The report required by subdivision 6 shall first be submitted to the commissioner of the department of natural resources and the pollution control agency for their review and comment on the environmental impact of the contents of the report, at least 90 days prior to its submission pursuant to subdivision 6.

Subd. 6. From its findings the authority shall prepare a written report to the governor and the legislature on or before January 15, 1973. The report shall contain:

- (1) The results of the detailed study made by the authority;
- (2) The criteria developed and used for site selection;

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(3) Details of the site including, where possible, parcel identification, governmental unit identification, school board designation, county of situs, zoning and other restrictions, mineral reservations, and other information; and

(4) *Such other information and recommendations as the authority deems desirable.*

Subd. 7. The authority shall file a copy of its report and site designation with appropriate officers of each governmental unit and political subdivision having jurisdiction over the area.

Sec. 5. **[462B.05] POWERS OF AUTHORITY.** The authority shall have the following powers:

(1) To apply for and accept contributions, grants, gifts, services, and other assistance from the federal and state governments and agencies thereof and from any other public or private source;

(2) To employ consultants;

(3) To enter into contracts and subcontracts with any person, firm, or corporation and with the federal or state government or any agency or political subdivision thereof, including but not limited to agreements for the joint and cooperative exercise of powers of the authority with any such subdivision or agency in the manner provided in Minnesota Statutes, Section 471.59; and

(4) To comply with any conditions attached by the federal government to a grant or contract for financial assistance to the authority.

Sec. 6. **[462B.06] INTERIM POWERS.** Subdivision 1. After the authority has designated an MXC site as provided in this act, no publicly owned interest in real property within the area of the site may be acquired or disposed of, nor may any capital improvement be authorized by any state agency or political subdivision having jurisdiction within the area of the site until after the authority has reviewed the proposed acquisition, disposition, or capital improvement.

Subd. 2. After reviewing the proposal, the authority shall report in writing to the state agency or political subdivision affected the authority's findings as to the compliance of the proposal with its plans for the development of the site. In its report the authority may prohibit, postpone, amend or otherwise modify any such proposal upon a finding that such action is necessary for the development of the site. Failure of the authority to report on a proposal within 45 days after its receipt is deemed to be authority approval.

Subd. 3. The authority shall not have the power to alter, amend, modify or repeal any ordinance or regulation of any political

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subdivision or agency, or to affect its application to any circumstances except a sale, transfer, or other disposition of public land or the making of public improvements in the area designated as the site of MXC, until and unless such site has been acquired by the authority.

Sec. 7. APPROPRIATION. The sum of \$140,000 is appropriated from the general fund in the state treasury for the Minnesota experimental city authority, and said sum shall not cancel but shall be available until expended.

Sec. 8. EFFECTIVE DATE. This act is in effect from and after its final enactment, and shall expire on July 1, 1973.

Approved June 4, 1971.

CHAPTER 850—H.F.No.983

[Coded]

An act relating to education; authorizing contracts with private colleges for educating Minnesota residents; and appropriating money.

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

Section 1. [136A.18] EDUCATION; CONTRACTUAL ARRANGEMENTS WITH PRIVATE COLLEGES; STATE AID; PURPOSE. The legislature has found and hereby declares that private colleges in Minnesota have the potential capacity for educating larger numbers of Minnesota residents and that providing for the education of additional Minnesota residents in private colleges, rather than in state institutions of higher education, would result in a savings of tax moneys. The contractual arrangements with Minnesota private colleges authorized herein are designed to encourage and facilitate the education of larger numbers of Minnesota residents in private colleges located in Minnesota.

Sec. 2. [136A.19] DEFINITIONS. Subdivision 1. As used in this act, the terms defined in this section have the meanings given them.

Subd. 2. "Commission" means the Minnesota higher education coordinating commission.

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