

governor under Article IV, section 9 of the state constitution because the official use and ceremonial functions that will be carried on in such building are essential to the proper function of the chief executive and the benefits to be derived by the chief executive are too remote and contingent to constitute emoluments within the meaning of the constitution.

Sec. 2. [16.872] **Acceptance of state ceremonial building; use; maintenance.** Subdivision 1. The commissioner of administration may accept, on behalf of the state, on such terms and conditions as the donor may prescribe, a building to be used as a state ceremonial building. Such building shall be used for official ceremonial functions of the state, and space shall be provided for suitable living quarters for the governor of the state.

Subd. 2. The commissioner of administration shall maintain such building in the same manner as other state buildings are maintained and shall rehabilitate, decorate, and furnish such ceremonial building, and in carrying out such decoration and furnishing shall consult with the State Fine Arts Council, but their opinion shall be advisory only.

Sec. 3. [16.873] **Occupancy of building by governor.** If it is in any manner determined that permitting the governor to reside in such ceremonial building is an emolument of the office of governor, then any person who may be elected after the effective date of this act who may be affected by such determination, shall not be permitted to occupy such premises until January 15, 1968.

Approved May 24, 1965.

CHAPTER 685—S. F. No. 1716

[Coded]

An act relating to statewide planning, creating a planning agency in the executive branch of the state government, and prescribing its powers and duties; appropriating moneys therefor.

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

Section 1. [4.10] **State planning agency; statewide planning; purposes.** In order that the state benefit from an integrated program for the development and effective employment of its resources, and in order to promote the health, safety, and general

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welfare of its citizens, it is in the public interest that a planning agency be created in the executive branch of the state government to engage in a program of comprehensive statewide planning. The agency shall act as a directing, advisory, consulting, and coordinating agency to harmonize activities at all levels of government, to render planning assistance to all governmental units, and to stimulate public interest and participation in the development of the state.

Sec. 2. [4.11] State planning agency; creation and organization. Subdivision 1. A planning agency in the executive branch of the state government is created under the supervision and control of the governor. It shall consist of the governor as the state planning officer, a director of planning, and other officers, employees, and agents appointed pursuant to law.

Subd. 2. The state planning officer shall appoint a director of planning who is in the classified service of the state civil service. He shall be appointed in conformance with the requirements of Minnesota Statutes, Chapter 43, and shall be selected on the basis of a nationwide examination. Any applicant for the position who is invited to Minnesota in connection with his application may be reimbursed for his expenses, at the direction of the state planning officer.

Subd. 3. The state planning officer shall organize the agency and employ such officers, employees, and agents as he shall deem necessary to discharge the functions of his office, and define their duties. Such officers, employees, and agents are in the classified service of the state civil service.

Subd. 4. To the greatest extent practicable the state planning officer shall limit the permanent staff engaged in the programs authorized by this act and shall contract for basic research, employ consultants, and use the existing facilities of state departments and agencies. It is desirable that he utilize the facilities of the university of Minnesota to provide (a) continuing geographic projection and detailed studies of the state's population, economy, and land use; (b) a central repository for the research data necessary for such functions; and (c) educational activities essential to the implementation of state planning.

Subd. 5. The governor may direct any state department or other agency of the state government to furnish the state planning agency with such personnel, equipment, and services as are necessary to enable it to carry out its powers and duties, prescribe the terms thereof, including reimbursement of costs thereof. Any moneys paid to a state department or other agency of the state government pursuant to this subdivision are hereby annually appropriated to such department or agency for the same purposes for which its funds were

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expended in furnishing personnel, equipment, and services to the state planning agency.

Subd. 6. Subject to his control and under such conditions as he may prescribe, the state planning officer may delegate any of his powers, duties, and responsibilities, as conferred by this act, to the director of planning or to any other state officer or department.

Sec. 3. **[4.12] State planning agency, powers and duties.**
Subdivision 1. The state planning officer shall:

(1) Prepare comprehensive, long range recommendations for the orderly and coordinated growth of the state including detailed recommendations for long range plans of operating state departments and agencies.

(2) The state, in the development of long range planning, shall take into consideration its relationship to local units of government and the planning to be accomplished on such levels.

Subd. 2. The state planning officer shall:

(1) Review current programming and future planning of all state departments and agencies.

(2) Report regularly and on or before January 15 of each odd numbered year to the legislature, reviewing in each report the state planning program, and the progress and development thereof. Thereafter, as soon as practicable, he shall make recommendations for desirable legislation and necessary appropriations.

(3) To the extent practicable coordinate with state budgets the items therein relating to and reflecting statewide planning as authorized by the legislature and as recommended for the consideration of the legislature.

(4) Require each state department and agency having planning programs to regularly file copies thereof with him for review.

(5) Make available to the legislature or any authorized committee or commission thereof information concerning statewide development plans and basic research from which the plans have been developed.

(6) Act as the coordinating agency for the planning activities of all state departments and agencies and local levels of government.

(7) Review all plans filed with the federal government by state departments and agencies pursuant to Minnesota Statutes, Sec-

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tion 16.165, or any other law as a part of his duties prescribed by this section. The commissioner of administration shall furnish the state planning officer the information required by this clause.

(8) Encourage the development of planning programs by state departments and agencies and local levels of government.

Sec. 4. [4.13] Cooperative contracts.

The state planning officer may apply for, receive and expend funds from municipal, county, regional and other planning agencies; apply for, accept, and disburse grants and other aids for planning purposes from the federal government and from other public or private sources, and may enter into contracts with agencies of the federal government, local governmental units, the university of Minnesota, and other educational institutions, and private persons as may be necessary in the performance of his duties. Contracts made pursuant to this section shall not be subject to the provisions of Minnesota Statutes, Chapter 16, as they relate to competitive bidding.

All moneys received by the state planning officer pursuant to this section shall be deposited in the state treasury and are hereby appropriated annually therefrom to the state planning officer for the purposes for which such moneys have been received. None of such money shall cancel and shall be available until expended.

Sec. 5. [4.14] Advisory committee created. An advisory committee on planning is hereby created to act solely in an advisory capacity to the state planning officer. The advisory committee shall consist of three members of the senate appointed by the committee on committees of the senate, three members of the house of representatives appointed by the speaker thereof, and not more than eleven other members to be appointed by the governor. The governor may appoint officers of the state and of its governmental subdivisions as members of the advisory committee. All members shall serve at the pleasure of their appointing authorities. When the legislature is not in session vacancies on the committee as to legislative members shall be filled in the case of members of the senate by the last duly elected committee on committees and in the case of members of the house of representatives by the last duly elected speaker. Other vacancies on the committee shall be filled by the governor. The members of the advisory committee shall serve without compensation but shall be reimbursed for the necessary expenses in the same manner as state officers and employees are reimbursed therefor.

The members of the advisory committee shall elect a chairman

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and such other officers as they deem necessary. The state planning officer shall act as the executive secretary of the committee.

The advisory committee shall meet at the call of its chairman or the state planning officer.

Sec. 6. [4.15] Cooperation by state departments and agencies. All state departments and agencies shall cooperate with the state planning officer in the exercise of the powers and duties conferred upon him by provisions of this act and are directed to assist the planning agency if the state planning officer so requests. Such departments and agencies shall also furnish to the planning agency such information, data, and reports as the state planning officer may from time to time request.

Sec. 7. [4.16] Transfer of certain functions. Subdivision 1. All the powers and duties now imposed upon the state mapping advisory board by Minnesota Statutes 1961, Section 84.54, are hereby transferred to and imposed upon the state planning officer. The state mapping advisory board as heretofore constituted is hereby abolished.

Subd. 2. All the powers and duties imposed upon the land use committee by Minnesota Statutes 1961, Sections 92.33 to 92.37, are hereby transferred to and imposed upon the state planning officer. The land use committee as heretofore constituted is hereby abolished.

Subd. 3. All the powers and duties imposed upon the Minnesota historic sites and marker's commission by Minnesota Statutes 1961, Sections 138.08 and 138.09, are hereby transferred to and imposed upon the state planning officer. The Minnesota historic sites and marker's commission as heretofore constituted is hereby abolished.

Sec. 8. [4.17] Rules and regulations. No moneys, regardless of the source thereof, made available to the state planning officer pursuant to this act or any other law shall be expended by him for planning programs until he promulgates and adopts rules and regulations prescribing the criteria, standards, and procedures to govern the expenditure thereof. Such rules and regulations shall be promulgated and adopted under the Administrative Procedure Act as contained in Minnesota Statutes, Chapter 15, and shall conform with all terms and conditions imposed on the state planning officer when such moneys are made available to him.

Sec. 9. Appropriation. There is hereby appropriated to the state planning officer from the general revenue fund in the state

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treasury for each year of the biennium beginning July 1, 1965, the sum of \$25,000 for the purposes of carrying out the terms and provisions of this act. Any moneys unexpended during the first year of the biennium may be carried forward and may be expended in the second year of the biennium.

Approved May 24, 1965.

CHAPTER 686—H. F. No. 342

An act relating to the venue of civil actions; amending Minnesota Statutes 1961, Section 542.10.

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

Section 1. Minnesota Statutes 1961, Section 542.10, is amended to read:

542.10 Venue of civil actions; change of venue as of right; demand. If the county designated in the complaint is not the proper county, the action may notwithstanding be tried therein unless, within 20 days after the summons is served, the defendant demands in writing that it be tried in the proper county. This demand shall be accompanied by the affidavit of the defendant, or his agent or attorney, setting forth the county of his residence at the time of the commencement of the action. This demand and affidavit, with proof of service thereof upon the plaintiff's attorney, shall be filed with the clerk in the county where the action was begun within 30 days from the date of its service and thereupon, *unless the county where the action was begun is a county in which the cause of action or some part thereof arose*, the place of trial shall be changed to the county where the defendant resides without any other proceedings. If the county designated in the complaint is not the county in which the cause of action or some part thereof arose and if there are several defendants residing in different counties, the trial shall be had in the county upon which a majority of them unite in demanding or, if the numbers be equal, in that whose county seat is nearest. When the place of trial is changed all other proceedings shall be had in the county to which the change is made, unless otherwise provided by consent of parties filed with the clerk or by order of the court and the papers shall be transferred and filed accordingly. When a demand for a change of the place of trial is made as herein provided the action shall not for any of the reasons specified in section 542.11 be retained for trial in the county where begun, but can be tried therein

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