

Executive Departments

CHAPTER 4

GOVERNOR

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4.01 CUSTODIAN OF STATE PROPERTY. In addition to the powers and duties prescribed by the constitution, the governor shall be the custodian of all property of the state not especially intrusted by law to other officers and may take possession thereof without legal process and adopt such measures for its safe-keeping as he deems proper.

[R. L. s. 26] (54)

4.02 SECRETARY AND OTHER EMPLOYEES. The governor shall appoint a private secretary, who shall keep a record of all important official letters to and from the governor and of such others as the governor shall direct, which record shall be preserved in the executive office and produced before the legislature whenever requested. He shall appoint an executive clerk, a stenographer, and two executive messengers. The governor shall prepare and enforce rules fixing the details of service for all these employees.

[R. L. s. 27] (55)

4.03 PROCLAMATIONS. When the governor convenes the legislature in extra session he shall do so by proclamation, giving to the members such notice as he deems necessary of the time of meeting; and when assembled he shall inform them of the purposes for which they are convened. He shall set apart and proclaim one day in each year as a day of solemn and public thanksgiving to Almighty God for His blessings to the people and no business shall be transacted on that day at any of the departments of state. All proclamations of the governor required or authorized by law shall be filed with the secretary of state.

[R. L. s. 28] (57)

4.04 POWERS. The governor shall appoint and when necessary commission all officers and employees of the state whose selection is not otherwise provided for by law and, at his pleasure, may remove any such appointee whose term of service is not by law prescribed. He shall exercise such powers of appointment, suspension, and removal in respect of other officials as are conferred on him by law. Whenever the great seal of the state is lost or worn out, the governor shall cause the same to be replaced.

[R. L. s. 29] (58)

4.05 [Repealed, 1961 c 561 s 17]

4.06 VACANCY, SUCCESSION. When a vacancy occurs, from any cause whatever, in the office of governor, the lieutenant governor shall become governor, and the last duly elected president pro tempore of the senate shall become lieutenant governor for the remainder of the term. When a vacancy occurs, from any cause whatever, in the office of governor and in the office of lieutenant governor, the president pro tempore of the senate shall become governor for the remainder of the term. If there be no president pro tempore of the senate, then the speaker of the house of representatives shall become governor for the remainder of the term; or if there be none, then the secretary of state, or the auditor, or the treasurer, or the attorney general, in that order, shall upon his resignation from office, become governor for the remainder of the term.

In case of the death or other failure to take office of the governor-elect, the lieutenant governor-elect shall become governor from the same time and in the

same manner and for the same term as provided for the governor-elect. In case of the death or other failure to take office of both the governor-elect and lieutenant governor-elect, the last duly elected president pro tempore of the senate, or in the case of his death or other failure to take office, the last duly elected speaker of the house of representatives, or in the case of his death or other failure to take office, the secretary of state-elect, or under the same circumstances the auditor-elect, the treasurer-elect or the attorney general-elect, in that order shall become governor from the same time and in the same manner and for the same term as provided for the governor-elect.

[1961 c 573 s 1]

4.07 GOVERNOR AS STATE AGENCY FOR FEDERAL FUNDS. Subdivision 1. Whenever the United States of America, pursuant to federal law or any rule or regulation promulgated thereunder, makes available to the state of Minnesota or any department, agency, governmental subdivision, or other instrumentality thereof funds for any purpose and no state agency has been otherwise designated by law to apply for, receive, and accept such federal funds, the governor is hereby designated as the state agency for such purpose.

Subd. 2. The governor may designate a state agency or agencies to act for him in applying for, receiving, and accepting federal funds under the provisions of subdivision 1. Such designation of a state department or agency shall be filed in the office of the secretary of state.

Subd. 3. The governor or any state department or agency designated by him shall comply with any and all requirements of federal law and any rules and regulations promulgated thereunder to enable the application for, the receipt of, and the acceptance of such federal funds. The expenditure of any such funds received shall be governed by the laws of the state except insofar as federal requirements may otherwise provide. All such moneys received by the governor or any state department or agency designated by him for such purpose shall be deposited in the state treasury and are hereby appropriated annually in order to enable the governor or the state department or agency designated by him for such purpose to carry out the purposes for which the funds are received. None of such federal moneys so deposited in the state treasury shall cancel and they shall be available for expenditure in accordance with the requirements of federal law.

[1965 c 901 s 87]

4.075 ADMINISTRATION OF HIGHWAY SAFETY PROGRAM; ACCEPTANCE AND DISBURSEMENT OF FEDERAL FUNDS. Subdivision 1. The governor of this state shall be responsible for the administration of the state's highway safety program and, consistent with state law, may contract and cooperate with, and act as agent for state and federal agencies, political subdivisions, and public and private organizations in order to effectuate the purposes of the National Highway Safety Act of 1966 and any amendments or regulations thereto to the end that available federal moneys and other benefits for such purposes may be obtained. The governor may designate an appropriate agency of this state through which this state's safety program may be administered.

Subd. 2. The governor shall provide for the receipt, allocation, and disbursement of federal moneys received pursuant to this act in accordance with state and federal laws and regulations.

Subd. 3. Counties, cities, towns, municipalities, and other political subdivisions are authorized to administer local highway safety programs which have been approved by the governor as part of the state highway safety program and to receive such funds as may be available for such purposes, subject to applicable federal laws and regulations and the approval of the governor.

[1967 c 443 s 1-3]

4.08 GOVERNOR'S COMMISSION ON EMPLOYMENT OF HANDICAPPED PERSONS. Subdivision 1. The governor's commission on employment of the handicapped is hereby created.

Subd. 2. The governor shall appoint as members of the commission a number not to exceed 19 persons, whom he considers qualified to serve on the commission, who are leaders and are representative of industry, business, agriculture, labor, veterans, women, religion, education, civic affairs, fraternal associations, welfare, science, and the professions. The term of a member is four years. Vacancies shall be filled by the governor for the unexpired period of the term.

Subd. 3. The governor shall serve as ex officio chairman of the commission

and shall designate a chairman of the commission. The commission shall select such other officers from its membership as it considers necessary. The commission shall appoint a qualified executive secretary who shall serve at the pleasure of the commission in the unclassified service for a term not to exceed that of the chairman. The executive secretary shall attend commission meetings, serve as secretary to the commission, and have general charge of the work of the commission, subject to its order and direction.

Subd. 4. The commission shall meet on call of the chairman, but not less than once each year. A quorum consists of those members present at a meeting. The commission may do all things necessary and proper to perform its duties and carry out the purposes of this section. The commission may adopt those rules and regulations that it considers necessary to govern its own procedures.

Subd. 5. The purpose of the commission is to carry on a continuing program to promote the employment of the physically, mentally, emotionally, and otherwise handicapped citizens of Minnesota by creating statewide interest in the rehabilitation and employment of the handicapped, and by obtaining and maintaining cooperation with all public and private groups and individuals in this field. The commission shall work in close cooperation with the president's committee on employment of the handicapped, and with state and federal agencies having responsibilities for employment and rehabilitation of the handicapped. The commission shall be nonpartisan, nonprofit, and shall not be used for the dissemination of partisan principles, nor for the promotion of the candidacy of any persons seeking public office or preferment.

Subd. 6. There is established in the state treasury a revolving account to be known as "employment of the handicapped revolving account." All moneys appropriated to the commission or received by the commission from the United States, any federal or state agency or institution, gifts, contributions, donations, and bequests, or received from any other source for the purpose of promoting the employment and rehabilitation of handicapped citizens of Minnesota shall be deposited in the state treasury and credited to the employment of the handicapped account. All money in this account is annually appropriated to the commission to carry out the purposes of this section. The commission shall, at the discretion of the chairman, use the money so appropriated to pay the salaries and general expenses of the administrative office, personnel, materials, supplies, equipment, travel, provide awards, citations, scholarships, and for other expenses related to promoting of the employment and rehabilitation of handicapped citizens. All expenditures shall be paid on claims approved by the executive secretary of the commission and in accordance with law. The appropriations and other funds of this commission are subject to the provisions of Minnesota Statutes, Chapter 16.

[1965 c 888 s 6; 1969 c 9 s 2, 3]

NOTE: Laws 1965, Chapter 888, Section 8, Subdivision 3 reads in part as follows:

"Subd. 3. (a) Commissions referred to in this act may subpoena witnesses and records. In case of the refusal by any person to comply with any subpoena issued hereunder or to testify to any matter regarding which he may be lawfully interrogated, the district court of any county, on application of the commission, may issue an order requiring the person to comply with the subpoena and to testify. Any failure to obey the order of the court may be punished by the court as a contempt thereof."

4.10 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 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.

[1965 c 685 s 1]

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 unclassified service of the state. He shall be professionally competent in the fields of public administration and planning and shall possess demonstrated

ability, based upon experience and past performance, to perform the duties of state planning director. He need not be a resident of the state of Minnesota at the time of his appointment.

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 sections 4.10 to 4.17 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 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 sections 4.10 to 4.17, to the director of planning or to any other state officer or department.

Subd. 7. Within the organization of the state planning agency an office of local and urban affairs is hereby created under the supervision of a local affairs coordinator, who is in the classified service of the state civil service, and who shall be appointed by the state planning officer.

[1965 c 685 s 2; 1967 c 898 s 1, 7]

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, Section 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.

Subd. 3. The state planning officer: (1) shall appear before the municipal

commission when requested by the commission to present studies and data regarding any annexation, incorporation, or detachment proceedings pending before the commission;

(2) may contract with a county or regional planning agency or a planning consultant for the making of studies and the compiling of data relating to any annexation, incorporation, or detachment proceedings before the commission;

(3) at his discretion or upon the written request of any governmental unit, group of governmental units, or a regional planning agency, may conduct studies relating to the feasibility of annexation, incorporation, or consolidation of a town or governmental units. Such studies shall be undertaken only in areas where there is reasonable grounds to believe that problems of urban growth may require the incorporation, or consolidation of governmental units, or the annexation of unincorporated areas in order to provide essential urban services.

Subd. 4. The office of local and urban affairs shall: (1) undertake studies to obtain information and data on urban and rural needs, assistance programs, and activities. It shall provide technical assistance and advice in the solution of such problems. The duties of the office shall include, but are not limited to, the assembly, the correlation, and dissemination of physical, social, and economic development data to inform local governmental units and interested persons and organizations of the availability and status of federal, state, and local programs and other resources for the solution of urban and rural problems;

(2) make available to the governor and the legislature pertinent information relating to federal grants in aid to local governmental units and an analysis thereof;

(3) inform local governmental units about federal programs of social or economic aid or assistance for which they are eligible, together with the criteria, standards, and conditions upon which such aid is based.

Subd. 5. The office of local and urban affairs: (1) shall not undertake on behalf of any local governmental unit the responsibility of filling out application forms for federal grants in aid unless required by federal law or regulation promulgated thereunder, but instead will limit its activities in relation to federal aid applications to the publication and distribution of manuals and the furnishing of advice and otherwise guide the officers of local governmental units in properly making out required application forms;

(2) shall not be responsible in any way to promote any federal grant in aid or planning program;

(3) shall coordinate information which shall be submitted to it by a special district or region recognized by the federal government with responsibility of reviewing federal grants in aid applications for community and nonprofit corporations within the district or region. Such special districts or regions shall submit copies of approved applications for such purpose. Unless the requirements of this clause are complied with no state department or agency may provide assistance or funds for any project submitted to the federal government through a special district or region. Where there is a metropolitan planning agency or regional council created by law, the state planning officer may delegate to such council or agency the responsibilities of this clause;

(4) shall have only advisory responsibility or jurisdiction in any area of the state within the jurisdiction of a metropolitan planning agency or regional council created by law.

[1965 c 685 s 3; 1967 c 898 s 2-4]

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.

The state planning officer may apply for, receive, and expend funds made available from federal sources or other sources for the purposes of carrying out the duties and responsibilities of the office of local and urban affairs.

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.

[1965 c 685 s 4; 1967 c 898 s 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 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.

[1965 c 685 s 5]

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 sections 4.10 to 4.17 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.

[1965 c 685 s 6]

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. [Repealed, 1969 c 894 s 9]

Subd. 4. All the powers and duties imposed upon the department of economic development relating to housing and redevelopment pursuant to the provisions of Minnesota Statutes 1965, Sections 462.415 to 462.711, are hereby transferred to and imposed upon the state planning officer. The powers and duties of the department of economic development relating thereto as heretofore constituted, are hereby abolished.

Subd. 5. All the powers and duties imposed upon the department of economic development relating to community planning, pursuant to the provisions of Minnesota Statutes 1965, Sections 362.12, Subdivision 1(14) and 362.13, (7) and (8), are hereby transferred to and imposed upon the state planning officer. All urban planning assistance program funds and all contracts under the 701 program of the federal department of housing and urban development and all personnel engaged in connection therewith are likewise transferred to the state planning officer. All powers and duties of the department of economic development in relation thereto as heretofore constituted, are hereby abolished.

[1965 c 685 s 7; 1967 c 299 s 9; 1967 c 898 s 6, 8]

4.17 RULES AND REGULATIONS. No moneys, regardless of the source thereof, made available to the state planning officer pursuant to sections 4.10 to 4.17 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.

[1965 c 685 s 8]

4.20 INTERDEPARTMENTAL TASK FORCE OF TRANSPORTATION. Subdivision 1. An interdepartmental task force of transportation is created within the state planning agency. The governor shall appoint representatives from the state planning agency; the department of aeronautics; the department of highways; the department of public service; the metropolitan airports commission; the transportation land use study teams of Duluth, Superior, St. Cloud, Fargo, Moorhead, Albert Lea, Rochester, and any other city having a similar facility; the metropolitan council; and the metropolitan transit commission.

Subd. 2. The state planning officer shall appoint a director of the interdepartmental task force of transportation provided for in subdivision 1 and shall provide it with such staff and consultants as may be required for the performance of its duties.

Subd. 3. The interdepartmental task force shall study the transportation needs of the state and shall devise plans for the future which shall encompass all modes of transportation including, but not limited to, rail, water, air, highway, and other transit means.

Subd. 4. To the greatest extent the interdepartmental task force shall coordinate transportation studies and the development thereof to insure that the transportation facilities of the future are planned, designed, and constructed to meet urban and regional development objectives and fulfill the transportation needs of the state.

Subd. 5. The interdepartmental task force shall encourage and assist all levels of government engaged in the field of mass transit development in their planning.

Subd. 6. Nothing in this section shall be construed to authorize or direct the interdepartmental task force of transportation to voluntarily become an active party, intervenor or participant in any judicial, quasi-judicial, legislative or other proceeding, whether at the state or federal level, for or against any proposals relating to organization, equipment, structure, rates or routes of any form of transportation.

Subd. 7. The interdepartmental task force shall report to the governor and to the legislature from time to time and make recommendations concerning local urban mass transit development and the need for state financial assistance in connection therewith.

Subd. 8. The interdepartmental task force may apply for, receive, and accept federal moneys and other moneys which may be made available to the state for mass transit and other purposes. It may contract with local transportation and mass transit agencies and organizations for the planning, development, and provide a supervisory function in connection with the money so received. All moneys received pursuant to this subdivision shall be deposited in the state treasury and are hereby appropriated for the purposes for which the moneys have been tendered.

[1969 c 1129 art 5 s 1]

4.25 STATE URBAN AFFAIRS COUNCIL AND URBAN ACTION CENTER. Subdivision 1. A state urban affairs council and urban action center is hereby created within the state planning agency. The council shall consist of the attorney general, the adjutant general, the commissioners of health, education, welfare, manpower services, highways, human rights, the director of the state planning agency, the chairman of the metropolitan council, and the chairmen of any other government councils now existing or hereafter created.

Subd. 2. The urban affairs council comprising the urban action center of the state planning agency shall study urban problems and make recommendations to the state planning agency concerning urban policy programs which shall be transmitted to the governor and to the legislature.

Subd. 3. The members of the urban affairs council shall use the personnel of their respective agencies to carry out their responsibilities under this section.

Subd. 4. The governor to the greatest extent possible shall use the facilities of the urban affairs council in coordinating the resources of the state and activities of state departments in meeting problems of cities of the first class.

[1969 c 567 s 3; 1969 c 1129 art 6 s 1]