

## CHAPTER 4

## GOVERNOR

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**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 department be created in the executive branch of the state government to engage in a program of comprehensive statewide planning. The department 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.

**History:** 1981 c 356 s 69

**4.11 STATE PLANNING AGENCY; CREATION AND ORGANIZATION.**

Subdivision 1. [Repealed, 1981 c 356 s 247]

Subd. 2. [Repealed, 1981 c 356 s 247]

Subd. 3. [Repealed, 1981 c 356 s 247]

Subd. 4. To the greatest extent practicable the commissioner 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 commissioner with such personnel, equipment, and services as are necessary to enable commissioner to carry out the commissioner's powers and duties, and prescribe the terms thereof. When requested by the commissioner to perform planning work, state agencies will be expected to use existing staff.

Subd. 6. [Repealed, 1981 c 356 s 247]

Subd. 7. [Repealed, 1981 c 356 s 247]

Subd. 8. Within the organization of the state department of energy, planning and development, the position of state demographer shall be appointed by and serve under the supervision and control of the commissioner. The state demographer shall be professionally competent in the field of demography and shall possess demonstrated ability, based upon experience and past performance.

**History:** 1981 c 356 s 70-72

### 4.12 POWERS AND DUTIES.

Subdivision 1. The commissioner 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 commissioner shall:

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

(2) Report regularly and on or before November 15 of each even 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 section 16A.30, or any other law as a part of his duties prescribed by this section. The commissioner of finance shall furnish the commissioner the information required by this clause.

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

(9) Act as the coordinating agency for submission of the environmental impact statements required by the National Environmental Policy Act and the state's comments thereon to the appropriate federal agencies.

Subd. 3. The commissioner:

(1) Shall appear before the Minnesota municipal board when requested by the board to present studies and data regarding any annexation, incorporation, or detachment proceedings pending before the board;

(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 board;

(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. The 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 commissioner shall:

(1) Undertake studies to obtain information and data on urban and rural needs, assistance programs, and activities. The commissioner shall provide technical assistance and advice in the solution of such problems. The duties of the commissioner 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 the aid is based.

Subd. 5. The commissioner:

(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 the activities of the department 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 the commissioner 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. Special districts or regions shall submit copies of approved applications for this 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 commissioner may delegate to the 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.

Subd. 6. The commissioner shall:

(1) Employ personnel with qualifications as are needed to perform the duties prescribed in this section. To the greatest extent practicable, the commissioner shall limit the permanent demographic staff and shall contract for basic research, employ consultants, and use the existing facilities of state departments, other agencies, and the state educational institutions, and

(2) Utilize the computer facilities of the state or state educational institutions for the research data necessary for periodic population projections.

Subd. 7. The commissioner:

(1) Shall continuously gather and develop demographic data within the state;

(2) Shall design and test methods of research and data collection;

(3) Shall have the power to call upon any agency of the state or political subdivision for data as may be available, and the agencies and political subdivisions shall cooperate to the fullest extent possible;

(4) Shall periodically prepare population projections for designated regions and for the state and may periodically prepare projections for each county, or other political or geographic division;

(5) Shall review, comment, and prepare analysis of population estimates and projections made by state agencies, political subdivisions, other states, federal agencies or nongovernmental persons, institutions or commissions;

(6) Shall serve as the state liaison with the federal bureau of census, shall coordinate his activities with federal demographic activities to the fullest extent possible, and shall aid the legislature in preparing a census data plan and form for each decennial census;

(7) Shall compile an annual study of population estimates on the basis of county, regional or other political or geographic divisions as necessary to carry out the purposes of this subdivision and section 4.125;

(8) Shall, on or before January 1 of each year, issue a report to the legislature containing an analysis of the demographic implications of the annual population study and population projections;

(9) Shall cause to be prepared maps of all counties in the state, all municipalities with a population of 10,000 or more, and any other municipalities as deemed necessary for census purposes, according to scale and detail recommended by the federal bureau of the census, with the maps of cities showing boundaries of precincts; and

(10) Shall annually prepare a population estimate for each governmental subdivision for which the metropolitan council does not prepare an annual population estimate, and shall communicate the estimate to the governing body of each governmental subdivision by May 1 of each year.

Subd. 8. The commissioner may charge a fee to each user of the Minnesota land management information system.

**History:** 1981 c 356 s 73

### 4.125 POPULATION ESTIMATES AND PROJECTIONS, SUBMISSION BY STATE AGENCIES.

Each state agency shall submit to the commissioner for his comment all population estimates and projections prepared by it prior to:

(a) Submitting those estimates and projections to the state legislature or federal government to obtain appropriations or grants,

(b) The issuance of bonds based upon those estimates and projections, and

(c) Releasing any plan based upon those estimates and projections.

**History:** 1981 c 356 s 74

### 4.13 COOPERATIVE CONTRACTS.

The commissioner may apply for, receive and expend money 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 chapter 16, as they relate to competitive bidding.

The commissioner may apply for, receive, and expend money made available from federal sources or other sources for the purposes of carrying out the duties and responsibilities of the commissioner relating to local and urban affairs.

All moneys received by the commissioner pursuant to this section shall be deposited in the state treasury and are appropriated to the commissioner for the purposes for which the moneys have been received. The money shall not cancel and shall be available until expended.

**History:** 1981 c 356 s 75

**4.15** [Repealed, 1981 c 356 s 247]

**4.16** Subdivision 1. [Repealed, 1971 c 25 s 6; 1981 c 356 s 247]

Subd. 2. [Repealed, 1971 c 25 s 6; 1981 c 356 s 247]

Subd. 3. [Repealed, 1969 c 894 s 9; 1981 c 356 s 247]

Subd. 4. [Repealed, 1981 c 356 s 247]

Subd. 5. [Repealed, 1981 c 356 s 247]

#### **4.17 RULES.**

No moneys, regardless of the source thereof, made available to the commissioner 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 prescribing the criteria, standards, and procedures to govern the expenditure thereof. The rules shall be adopted under the administrative procedure act as contained in chapter 15, and shall conform with all terms and conditions imposed on the commissioner when the moneys are made available to him.

**History:** 1981 c 356 s 76

#### **4.18 RECOMMENDATION AS TO PLACEMENT OF NEW STATE BUILDINGS.**

*[For text of subd 1, see M.S.1980]*

Subd. 2. **Policy.** The commissioner shall recommend policies relating to the location of any new buildings proposed by the state or any of its departments or agencies and shall recommend policies relating to the location of state facilities and offices. The policies shall require that whenever feasible and practicable, after due consideration having been given to the functions, uses and services for which the buildings or offices are required, the buildings, facilities and offices, shall be located in areas of the state not included in a standard metropolitan statistical area to the end that a more equitable balance between urban areas and rural areas in the location of state facilities be finally accomplished. The policies shall provide that in determining the location of the building, facility or office, first priority shall be given to locating it where the service need dictates. Second priority shall be given to locating the building, facility or office outside of a standard metropolitan statistical area, to avoid over-urbanization. The policies shall not apply when the legislature has designated the specific location of the building facility or office.

**History:** 1981 c 356 s 77

**4.191 PLANNING PROGRAMS.**

Prior to commencing a study, research, or planning program, a state agency or department shall file with the commissioner on a form prescribed by the commissioner, a description of the proposed project, including title, purpose, staff assigned, consultants to be used, cost, completion date, and other information prescribed by the agency as appropriate. The commissioner shall develop rules to exclude from the filing requirement projects that the commissioner determines are of minor significance.

Upon completion of the project, a copy shall be filed with the commissioner. The commissioner shall review the planning programs of state departments and agencies and submit to the legislature by November 15 of each year a report of findings and recommendations.

**History:** 1981 c 356 s 78

**4.26 LOCAL LAND USE PLANNING; GRANTS.**

Subdivision 1. In order to improve the land use decision-making capability of local government, the commissioner shall make grants to the metropolitan council pursuant to section 4.30, and to towns, counties, municipalities, and Indian reservations. The commissioner shall give priority when granting money to those areas that show a special need according to the provisions of clauses (a) and (b). The grants may be used to employ staff or contract with other units of government or qualified consultants for the following purposes:

(a) To prepare and implement plans which are required for certain areas by law or by designation as a critical area under chapter 116G.

(b) To prepare and implement plans which the unit of government is authorized by law to undertake for the management of problems resulting from (1) rapid population or economic growth or decline; (2) potential development in environmentally sensitive areas including but not limited to flood plains, wild and scenic rivers, and shorelands; and (3) the addition or elimination of a major state or federal facility;

(c) To assist neighborhood organizations in cities of the first class to do land use and related planning by making grants to the municipality;

(d) To analyze and prepare plans to preserve and protect agricultural land as defined in section 500.24.

*[For text of subds 2 and 3, see M.S.1980]*

**History:** 1981 c 356 s 79

**4.27 ADMINISTRATION.**

The commissioner shall determine priorities pursuant to section 4.26, and shall promulgate rules for the submittal and review of applications hereunder in accordance with the provisions of chapter 15.

**History:** 1981 c 356 s 80

**4.29 REGIONAL DEVELOPMENT COMMISSION REVIEW.**

An application for grants from this program shall be submitted to the appropriate regional development commission for review pursuant to section 462.391, subdivision 3, prior to the submittal to the commissioner. The regional development commission shall complete its review within 45 days after receipt of the application. If an application is not reviewed within the requisite time limit or if an extension of time is not agreed to by the affected parties, the application

shall be deemed approved. Until units of local government in the metropolitan area as defined by section 473.02 are required by law to prepare and adopt comprehensive plans or portions thereof, the review required by this section shall be made by the metropolitan council for units of local government in the metropolitan area.

**History:** 1981 c 356 s 81

#### **4.35 TRAIL PLANNING.**

The commissioner, in cooperation with the commissioner of natural resources, metropolitan council, and commissioner of transportation, shall review and coordinate plans for trails acquisition and development and trail development grants pursuant to sections 4.36, 85.015, 85.016, 160.265, 473.147, and 473.301 to 473.341.

**History:** 1981 c 356 s 82

#### **4.36 GRANTS-IN-AID FOR RECREATIONAL BETTERMENT.**

*[For text of subd 1, see M.S.1980]*

**Subd. 2. Grants for parks and trails.** The commissioner shall administer a program to provide grants to units of government located within standard metropolitan statistical areas, as designated by the United States office of management and budget, but outside of the metropolitan area defined in section 473.121. The grants shall be for acquisition and betterment by units of government of public land and improvements needed for parks, trails, conservatories, zoos and other special use facilities having recreational significance for the entire population of the particular standard metropolitan statistical area. Appropriations made for this purpose shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding the expenditures. The local contribution required shall be not less than ten percent. The program shall be administered so as to ensure the maximum possible use of available federal money.

**Subd. 3. Grants for trails in local parks.** The commissioner shall administer a program to provide grants to units of government for the betterment of public land and improvements needed for recreational trails in parks owned and operated by units of government. A grant shall not exceed 40 percent of the costs of the betterment of the trail. To be eligible for a grant, a unit of government must provide at least ten percent of the costs of the betterment of the trail.

**Subd. 4. Grants for local outdoor athletic courts.** The commissioner shall administer a program to provide grants to units of government for the betterment of public land and improvements needed for local athletic courts. A grant shall not exceed 50 percent of the costs of the betterment of the athletic court. To be eligible for a grant, a unit of government must provide at least 50 percent of the costs of the betterment of the athletic court. In making grants the commissioner shall consider, among other factors, evidence of cooperation between units of government, local need and available financial resources, and court locations that encourage maximum use, patronage, and availability.

**Subd. 5. Powers; rules.** The commissioner shall have all powers necessary and convenient in order to establish programs for recreational betterment grants-in-aid for parks, trails, and athletic courts pursuant to this section including, but not limited to, the authority to adopt rules for the programs, pursuant to chapter 15, and emergency rules to commence immediately the programs, pursuant to section 15.0412.

**History:** 1981 c 304 s 6; 1981 c 356 s 83-86