

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 safekeeping as he deems proper.

[*RL 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.

[*RL 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.

[*RL s 28*] (57)

4.035 EXECUTIVE ORDERS. Subdivision 1. **Applicability.** A written statement or order executed by the governor pursuant to his constitutional or statutory authority and denominated by him as an executive order, or a statement or order of the governor required by law to be in the form of an executive order, shall be uniform in format, shall be numbered consecutively, and shall be effective and expire as provided in this section. Executive orders creating agencies shall be consistent with the provisions of this section and section 15.0593.

Subd. 2. **Effective date.** An executive order issued pursuant to sections 12.31 to 12.32 or any other emergency executive order issued to protect a person from an imminent threat to his health and safety shall be effective immediately and shall be filed with the secretary of state and published in the state register as soon as possible after its issuance. Emergency executive orders shall be identified as such in the order. Any other executive order shall be effective upon 15 days after its publication in the state register and filing with the secretary of state. The governor shall submit a copy of the

executive order to the commissioner of administration to facilitate publication in the state register.

Subd. 3. **Expiration date.** Unless an earlier date is specified by statute or by executive order, an executive order shall expire 90 days after the date that the governor who issued the order vacates his office.

[1977 c 305 s 2]

4.04 POWERS. Subdivision 1. 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.

Subd. 2. The governor may delegate to the lieutenant governor such powers, duties, responsibilities and functions as are prescribed by law to be performed by the governor, subject to his control, by filing a written order specifying such delegation with the secretary of state; provided, however, that no power, duty, responsibility or function imposed upon the governor by the constitution shall be delegated by such written order or otherwise.

[*RL s 29; 1971 c 949 s 1*] (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 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 of the senate shall become governor for the remainder of the term. If there be no president 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 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; 1973 c 720 s 76 subd 2]

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]

4.073 ANTI-RECESSION FINANCIAL ASSISTANCE. In the case of money received by the state from the federal government under the program for anti-recession financial assistance, 42 U.S.C.A., Sections 6721 to 6735, the money shall not be expended until the governor has consulted with the legislative advisory commission and received its recommendation thereon. The recommendation is advisory only.

[1978 c 530 s 1]

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]

4.077 ST. PAUL LANDMARK AUTHORITY. Subdivision 1. (1) The old federal courts building in the city of St. Paul, described in the registry of historic sites in section 138.57, and called in this section the "courts building", is an outstanding example of federal architecture of its period and a significant symbol of constitutional government which spans much of this state's history. Its acquisition, preservation, and appropriate use is a concern of the state and an important aspect of state policy declared in the Historic Sites Act of 1965.

(2) The legislature is informed that feasible renovation and remodeling of the structure of this historic site would make it suitable to meet existing and foreseeable need of the state for school, classroom, and other educational use, or for use in the protection of public health, and such practical adaptation of the courts building should not be incompatible, but rather in keeping with, continued observance of the building as an historic monument.

(3) National policy expressed in enactments of the congress (including, but not necessarily limited to, the Surplus Property Act of 1944 and Federal Property and Administrative Services Act of 1949) make this historic site, now held by and subject to the control of the administrator of the general service administration, available to this state, its political subdivisions or instrumentalities upon compliance with the conditions of the statutes and regulations promulgated thereunder for educational use or use in the protection of the public health, or as an historic monument for the benefit of the public.

Subd. 2. (1) To implement state and national policy a public corporation sole is hereby created in the persons of the governors of the state of Minnesota, that is, in the person of the incumbent governor and in the person of each of his successors in turn, named "the governor's office for a Minnesota landmark", but referred to herein as "the corporation".

(2) The purpose of the corporation is the acquisition, preservation, and appropriate use for the public benefit of the courts building, a public purpose, and in pursuance of this purpose it has the powers and duties herein enumerated.

(3) The corporation is empowered to take title to the courts building by a donative grant as an instrumentality of the state, with such restrictions and conditions compatible with appropriate use of the courts building as may be imposed by federal authority, but it shall first determine, after consideration of all relevant factors, including but not limited to potential income from all sources, that ownership and appropriate use will be feasible and probably self-supporting.

(4) "Appropriate use" as a purpose of the corporation created by Laws 1971, Chapter 605, means that the corporation will own, control, manage, and use the courts building if the courts building is transferred to it:

(a) to provide space therein by lease or other arrangement to tax supported and other non-profit educational institutions for school, classroom, or other educational use, or use in protection of public health; or

(b) as an historic monument; and

(c) whether or not used as in (a) or (b), for such other use, private and public, as may be compatible with the conditions and restrictions of the grant, permissible under controlling law and regulation governing the use under the grant, and in accord with the purpose of the corporation.

Subd. 3. Associates of the corporation are:

(a) Members of the executive council of the Minnesota historical society,

(b) Members of the capitol area architectural and planning board,

(c) The mayor and members of the council of the city of St. Paul, and

(d) Members of a Minnesota nonprofit corporation that shows by its application on behalf of its members who desire to be associates that in pursuit of a purpose expressed in its articles it is engaged in an effort to save the courts building for the public benefit,

who request the corporation to be named an associate. An associate is not a member of the corporation.

Subd. 4. The corporation has a board of advisors consisting of a number, not more than nine, of advisors limited by the corporation bylaws. The corporation may delegate by a bylaw to the board of advisors specified duties and authority in the management of the corporation property and affairs within the area of the authority of the corporation. The term of an advisor is four years except that the first appointments shall be so limited as to result in a staggered ending of terms with about one half terminating each two years. An advisor receives no compensation but is reimbursed for actual expenses necessarily incurred in the business of the corporation as its bylaws may provide.

Subd. 5. In addition to the powers elsewhere given to the corporation it has the following general powers:

(a) to have succession until dissolved by law;

(b) to sue and be sued in its corporate name;

(c) to adopt, alter, and use a corporate seal which shall be judicially noticed;

(d) to accept, hold, and administer gifts and bequests of money, securities, or other personal property of whatsoever character, absolutely or on trust, for the purposes for which the corporation is created. Unless otherwise restricted by the terms of the gift or bequest, the corporation is authorized to sell, exchange, or otherwise dispose of and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property given or bequeathed to it. The principal of such corporate funds and the income therefrom, and all other revenues received by it from any source whatsoever shall be placed in such depositories as the board of directors shall determine and shall be subject to expenditure for corporate purposes.

(e) to enter into contracts generally and to execute all instruments necessary or appropriate to carry out its corporate purposes;

(f) to appoint and prescribe the duties of officers, agents, and employees as may be necessary to carry out its work and to compensate them;

(g) to purchase all supplies and materials necessary for carrying out of its purposes;

(h) to accept from the United States or the state of Minnesota, or any of their agencies, moneys or other assistance whether by gift, loan, or otherwise, to carry out its corporate purposes, and to enter into such contracts with the United States or the state of Minnesota, or any of the agencies of either, or with any of the political subdivisions of the state, as it may deem proper and consistent with the purposes of this act;

(i) to adopt such bylaws, rules and regulations as it deems necessary for the administration of its functions and the accomplishment of its purpose, including among other matter the establishment of a business office and the regulations, the use of the courts building, and the administration of corporation funds;

(j) to contract and make cooperative agreements with federal, state, and municipal departments and agencies and private corporations, associations, and individuals for the use of the corporation property, including but not limited to rental agreements and concessions;

(k) to convey its property, real and personal, should the accomplishment of its purpose prove to be not feasible or compliance with the terms and conditions of the grant of the courts building appear to be impractical;

(l) to operate and maintain and furnish, restore, and as needed or suitable from time to time, renovate and remodel the courts building; and to accomplish its purpose and in execution of its powers, to borrow money and issue its debentures payable from income either unsecured or secured by pledge of revenues to be derived from the operation of its property or from other sources, or both, and to agree, if in consonance with national policy, that income derived from property conveyed to it by federal authority in excess of costs of repair, rehabilitation, restoration, and maintenance will be used by it only for park or recreational purposes, and to fulfill such agreement; and in its corporate discretion to use any such excess income which has not been so committed for park or recreation purposes, or for educational purposes by supporting educational institutions or activity, or for both of such purposes, and generally to do any and all lawful acts necessary or appropriate to carry out the purposes for which it is created.

Provided, however, that the state of Minnesota is not and shall not be held liable on any contract of the corporation for the payment of money or otherwise except as the legislature may expressly assume or accept responsibility, but this limitation does not prevent or limit the authority of a state department or agency to contract with the corporation for the rental of space, or for any other purpose, if the contract is within the general authority of the department or agency and there are funds available to it.

[1971 c 605 s 2-6; Ex1971 c 3 s 100 subs 2,4; 1975 c 271 s 6]

4.08 [Repealed, 1973 c 757 s 5]

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 direc-

tor. 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, and prescribe the terms thereof. When requested by the state planning agency to perform planning work, state agencies will be expected to use existing staff.

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 hereby classified service of the state civil service, and who shall be appointed by the state planning officer.

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

[1965 c 685 s 2; 1967 c 898 s 1,7; 1974 c 327 s 2; 1975 c 204 s 64]

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 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 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.

(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 state planning officer: (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. 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.

Subd. 6. The director of planning shall:

(1) Employ personnel with qualifications as are needed to perform the duties prescribed in this section. To the greatest extent practicable, the director of planning shall limit the permanent demographic staff and shall contract for basic research, em-

ploy 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 director of planning or his designee:

(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 annually 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 Laws 1974, Chapter 327;

(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; and

(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.

[1965 c 685 s 3; 1967 c 898 s 2-4; 1973 c 412 s 8; 1974 c 327 s 3; 1974 c 406 s 54; 1975 c 271 s 6; 1976 c 132 s 1; 1977 c 347 s 2]

4.125 POPULATION ESTIMATES AND PROJECTIONS, SUBMISSION BY STATE AGENCIES. Each state agency shall submit to the director of planning 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.

[1974 c 327 s 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 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 [Repealed, 1973 c 741 s 10]

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. [Repealed, 1971 c 25 s 6]

Subd. 2. [Repealed, 1971 c 25 s 6]

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 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]

4.18 RECOMMENDATION AS TO PLACEMENT OF NEW STATE BUILDINGS. Subdivision 1. **Definition.** For the purpose of this section, the term "standard metropolitan statistical area" means the five county area of Hennepin, Ramsey, Anoka, Dakota and Washington counties.

Subd. 2. **Policy.** The state planning agency 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 such buildings or offices are required, that such 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 any such 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 any such building facility or office.

[1971 c 325 s 1,2]

4.19 [Repealed, 1977 c 455 s 95]

4.191 PLANNING PROGRAMS. Prior to commencing a study, research, or planning program, a state agency or department shall file with the state planning agency on a form prescribed by the agency, 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 agency shall develop rules to exclude from the filing requirement projects that the agency determines are of minor significance.

Upon completion of the project, a copy shall be filed with the state planning agency. The state planning agency 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.

[1977 c 455 s 66]

4.20 [Repealed, 1975 c 61 s 26]

4.25 [Repealed, 1975 c 61 s 26]

4.26 LOCAL LAND USE PLANNING; GRANTS. Subdivision 1. In order to improve the land use decision-making capability of local government, the state planning agency shall make grants to the metropolitan council pursuant to section 4.30, and to towns, counties and municipalities. The state planning agency shall give priority when granting funds 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 Minnesota Statutes 1974, Section 500.24.

Subd. 2. Grants shall not exceed 75 percent of the cost of the land use planning program, except that grants made within a designated critical area may be up to 100 percent of the cost of the planning program.

Subd. 3. For the purpose of sections 4.26 to 4.30 municipality has the definition stated in Minnesota Statutes 1974, Section 462.352, Subdivision 2.

[1976 c 167 s 1]

4.27 ADMINISTRATION. The state planning agency 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.

[1976 c 167 s 2]

4.28 ELIGIBILITY. Eligibility of grants is limited to units of government authorized by law to plan or adopt and enforce land use controls.

[1976 c 167 s 3]

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 Minnesota Statutes 1974, Section 462.391, Subdivision 3, prior to the submittal to the state planning agency. 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. Un-

til 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.

[1976 c 167 s 4]

4.30 MANDATORY TRANSFER OF FUNDS. If part or all of the units of government within the metropolitan area as defined by section 473.02 are required by law to prepare and adopt comprehensive plans or specified portions thereof, 50 percent of the funds appropriated for the purposes of section 4.26, clauses (b), (c) and (d), less the amount previously granted to units of government within the metropolitan area, shall be transferred to the metropolitan council on the effective date of such a law. Funds so transferred are reappropriated to the metropolitan council and shall be used for making grants to units of government within the metropolitan area for the preparation and adoption of comprehensive plans and controls required by law. Not more than five percent of the transferred funds shall be available to the metropolitan council for grant administration.

[1976 c 167 s 5]

4.31 OFFICE OF VOLUNTEER SERVICES. Subdivision 1. There is created in the office of the governor the office of volunteer services, hereafter referred to as "the office". The office shall be under the supervision and administration of an executive director to be appointed by the governor and hereinafter referred to as "director". The director shall be regarded as an employee of the governor. The office shall operate as a state information center for volunteer programs and needed services that could be delivered by volunteer programs. Any person or public or private agency may request information on the availability of volunteer programs relating to specific services, and may report to the director whenever a volunteer program is needed or desired.

Subd. 2. The director shall cooperate with national, state, and local volunteer groups in collecting information on federal, state, and private resources which may encourage and improve volunteer projects within the state.

Subd. 3. The director may accept and disburse public or private funds and gifts made available for the promotion of volunteer programs.

Subd. 4. The director shall conduct research to identify needs of volunteer programs and to assess community needs for volunteer services. The director may issue informational materials relating to volunteer programs in Minnesota.

Subd. 5. The governor shall appoint an advisory committee of not more than 21 members, at least one member from each economic development region, to advise and make recommendations to him and the director of volunteer services. Notwithstanding this numerical limitation, members currently serving on an advisory group to the governor's office of volunteer services shall complete their prescribed terms of office; thereafter, appointments of successors shall be made so as to be consistent with the numerical limitation contained in this section. Membership terms, compensation, removal and filling of vacancies of members of the advisory committee shall be as provided in section 15.059; provided, that members shall not be eligible for a per diem.

[1977 c 389 s 1]

4.35 TRAIL PLANNING. The state planning agency, 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.

[1977 c 421 s 1]

4.36 GRANTS-IN-AID FOR RECREATIONAL BETTERMENT. Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings set forth, except as otherwise expressly provided or indicated by the context.

(a) "Athletic courts" means special surface areas and supporting equipment or structures such as nets, hoops, and walls which can be used for active games that have definite boundaries and are played on a marked surface, limited to basketball, volleyball, handball and tennis.

(b) "Metropolitan council" and "metropolitan area" have the meanings given them in section 473.121.

(c) "Units of government" means any county, city and home rule charter city, town, school district, public post-secondary educational institution, special park district, or any elected park and recreation board having control over parks, parkways, playgrounds, and trees in a city of the first class.

Subd. 2. Grants for parks and trails. The state planning agency 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 identical to that required by the legislative commission on Minnesota resources for grants-in-aid for recreation open space of regional significance. 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 state planning agency 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 state planning agency 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 agency 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 director of the state planning agency 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 and regulations for the programs, pursuant to chapter 15, and emergency rules and regulations to commence immediately the programs, pursuant to section 15.0412.

[1977 c 421 s 2]

4.40 DISPLACED WORKER PROGRAMS. The executive director of the governor's manpower office may enter into arrangements with existing private or nonprofit organizations and agencies with experience in dealing with displaced homemakers to provide counseling and training services. The director shall assist displaced homemakers in applying for appropriate welfare programs and shall take welfare allowances received into account in setting the stipend level. Income received as a stipend under these programs shall be totally disregarded for purposes of determining eligibility for and the amount of a general assistance grant.

[1977 c 428 s 8]