

## CHAPTER 116K

## STATE PLANNING AGENCY

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**116K.01 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:** 1965 c 685 s 1; 1981 c 356 s 69,248; 1983 c 289 s 115 subd 2; 1984 c 558 art 4 s 10

**116K.02 STATE PLANNING AGENCY.**

**Subdivision 1. Creation.** A state planning agency is created in the executive branch of state government.

**Subd. 2. Commissioner.** The governor shall appoint a state planning commissioner in the unclassified service. The commissioner shall be professionally competent in the fields of public administration and planning and shall possess demonstrated ability, based upon past performance, to perform the duties of state planning commissioner.

**Subd. 3. Organization.** The commissioner shall organize the agency and employ the officers, employees, and agents as the commissioner deems necessary to discharge the functions of the office, and define their duties. The commissioner shall appoint a deputy commissioner and division directors, who shall serve in the unclassified service of the state. To fulfill long-range planning objectives requiring special projects anticipated to be of limited duration, the commissioner shall request temporary unclassified positions pursuant to section 43A.08, subdivision 2a. All other officers, employees, and agents are in the classified service of the state civil service.

**Subd. 4. Staff.** The commissioner shall employ personnel with qualifications needed to perform the duties prescribed in this chapter.

**History:** 1983 c 289 s 96; 1986 c 444; 1987 c 186 s 15

**116K.03 DEFINITIONS.**

**Subdivision 1. Scope.** For the purposes of chapter 116K, the terms defined in this section have the meanings given them.

**Subd. 2. Commissioner.** "Commissioner" means the state planning commissioner.

**Subd. 3. Agency.** "Agency" means the state planning agency.

**History:** 1983 c 289 s 97; 1987 c 186 s 15

**116K.04 POWERS AND DUTIES.**

**Subdivision 1.** The commissioner shall:

- (1) Prepare comprehensive, long range recommendations for the orderly and coor-

dinated growth of the state including detailed recommendations on major public investment proposals and programs in the state.

(2) Develop and maintain a statewide long-range policy planning process involving local units of government, regional development commissions, the metropolitan council, and state agencies.

(3) Develop and analyze information and forecasts relating to the state's population, economy, natural resources and human services, including but not limited to: (a) collection and analysis of information necessary to enable the commissioner to report annually to the governor and the legislature on the status of the state's economy and on forecasts of medium and long-term economic prospects for the state; (b) analysis and reporting on the comparability of economic data, assumptions and analyses used by other planning entities, state agencies, and levels of government as the commissioner deems appropriate; (c) assessment of the implications of demographic, economic, and programmatic trends on state and local policies and institutions for providing health, education, and other human services; and (d) assessment of the availability and quality of data for long-range planning and policy development.

(4) Assist the governor in developing and evaluating alternative long-range policies and strategies.

(5) Act in coordination with the commissioner of finance and affected state agencies in the planning and financing of major public programs, including but not limited to capital improvements.

(6) Initiate studies of major policy issues having long-range implications.

(7) Provide planning assistance to local, regional, and state agencies, and coordinate these levels of planning with the state long-range policy planning process.

Subd. 2. The commissioner shall:

(1) Review plans, studies and proposed studies, 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, the commissioner shall make recommendations for desirable legislation and necessary appropriations.

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

(4) Develop and maintain, in consultation with local government elected officials, a process and procedures for the review of federal grant applications, and the coordination of planning activities including state and local responsibilities as existed on January 1, 1983, in federal Office of Management and Budget Circular A-95, Parts I, II, III, and IV; and the federal Executive Order 12372.

(5) Assist the governor and the commissioner of finance in the review of biennial budget proposals and in the analysis of major public investments.

(6) Promote awareness by citizens and public officials of major long-range trends and policy issues.

Subd. 3. The commissioner shall:

(1) undertake studies to obtain information and data on urban and rural needs, assistance programs, and activities;

(2) conduct research and make recommendations to the governor and the legislature concerning relationships among federal, state, and local governments; and review and report on changes in federal policies and budgets as they affect the state and state and local government programs;

(3) provide regional development commissions, the metropolitan council, and units of local government with information, technical assistance, training, and advice in utilizing federal and state programs; and

(4) receive and administer other state and federal grants and grant programs for

planning, community affairs, and other state and federal programs assigned to the agency by law or by the governor in accordance with section 4.07.

Subd. 4. The commissioner shall:

(1) appoint the state demographer, who shall be compensated in accordance with section 43A.18, subdivision 3. The state demographer shall be professionally competent in the field of demography and shall possess demonstrated ability, based upon past performance;

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

(3) design and test methods of research and data collection;

(4) 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 as necessary to carry out the purposes of this section;

(5) 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) serve as the state liaison with the federal bureau of census, and coordinate the activities of the state planning agency 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) 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 116K.05;

(8) 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) 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;

(10) prepare an estimate of population and of the number of households for each governmental subdivision for which the metropolitan council does not prepare an annual estimate, and shall communicate the estimates to the governing body of each governmental subdivision by May 1 of each year; and

(11) prepare an estimate of population and number of households for an area annexed by a governmental subdivision subject to levy limits under sections 275.50 to 275.56 if a municipal board order under section 414.01, subdivision 14, exists for the annexation and if the population in the annexed area is equal to either (i) at least 50 people or (ii) at least ten percent of the population of a governmental subdivision or unorganized territory that is losing area by the annexation. The estimate shall be of the population as of the date, within the 12-month period after the annexation occurs, for which a population estimate for the governmental subdivision is made by either the state demographer under clause (10) or by the metropolitan council.

Subd. 5. (1) The land management information center is established to foster integration of environmental information and provide services in computer mapping and graphics, environmental analysis, and small systems development.

(2) The commissioner shall periodically compile studies of land use and natural resources on the basis of county, regional, and other political subdivisions.

(3) The commissioner shall charge fees to clients for information products and services. Fees shall be deposited in the state treasury and credited to the land management information center revolving account. Money in the account is appropriated to the state planning agency for operation of the land management information system, including the cost of all services, supplies, materials, labor, and equipment, as well as the portion of the general support costs and statewide indirect costs of the agency that is attributable to the land management information system. The commissioner may require a

state agency to make advance payments to the revolving account sufficient to cover the agency's estimated obligation for a period of 60 days or more. If the revolving account is abolished or liquidated, the total net profit from operations shall be distributed to the various funds from which purchases were made. The amount to be distributed to each fund shall bear to the net profit the same ratio as the total purchases from each fund bears to the total purchases from all the funds during a period of time that fairly reflects the amount of net profit each fund is entitled to receive under this distribution. Employees paid from this account are in the unclassified service.

**Subd. 6. Model zoning criteria.** The commissioner shall, in consultation with the advisory council on state and local relations, develop and disseminate model zoning criteria for use by local units of government in siting recycling facilities.

**History:** 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; 1979 c 333 s 57; 1980 c 487 s 1; 1981 c 356 s 73,248; 1982 c 615 s 1; 1983 c 289 s 48-53,115 subds 1,2; 1983 c 301 s 134; 1983 c 342 art 5 s 1; 1984 c 558 art 4 s 7,8,10; 1986 c 444; 1987 c 186 s 15; 1Sp1989 c 1 art 18 s 17; 1990 c 480 art 7 s 1

#### **116K.05 POPULATION ESTIMATES AND PROJECTIONS, SUBMISSION BY STATE AGENCIES.**

Each state agency shall submit to the commissioner for 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:** 1974 c 327 s 4; 1981 c 356 s 74,248; 1983 c 289 s 115 subds 1,2; 1984 c 558 art 4 s 10; 1986 c 444; 1987 c 186 s 15

#### **116K.06 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 the commissioner's duties. Contracts made pursuant to this section shall not be subject to the provisions of chapter 16B, 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 money 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 money has been received. The money shall not cancel and shall be available until expended.

**History:** 1965 c 685 s 4; 1967 c 898 s 5; 1981 c 356 s 75,248; 1983 c 289 s 115 subds 1,2; 1984 c 558 art 4 s 10; 1985 c 248 s 68; 1986 c 444; 1987 c 186 s 15

#### **116K.07 RULES.**

No money, regardless of the source thereof, made available to the commissioner pursuant to sections 116K.01 to 116K.13 or any other law shall be expended for planning programs until the commissioner 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 14, and shall conform with all terms and conditions imposed on the commissioner when the moneys are made available.

**History:** 1965 c 685 s 8; 1981 c 356 s 76,248; 1982 c 424 s 130; 1983 c 289 s 115 subds 1,2; 1984 c 558 art 4 s 10; 1986 c 444; 1Sp1986 c 3 art 1 s 13; 1987 c 186 s 15

**116K.08 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 116K.12, 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.

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 116K.08 to 116K.12 municipality has the definition stated in Minnesota Statutes 1974, section 462.352, subdivision 2.

**History:** 1976 c 167 s 1; 1979 c 333 s 58; 1981 c 356 s 79,248; 1983 c 289 s 115 subds 1,2; 1984 c 558 art 4 s 10; 1987 c 186 s 15

**116K.09 ADMINISTRATION.**

The commissioner shall determine priorities pursuant to section 116K.08, and shall promulgate rules for the submittal and review of applications hereunder in accordance with the provisions of chapter 14.

**History:** 1976 c 167 s 2; 1981 c 356 s 80,248; 1982 c 424 s 130; 1983 c 289 s 115 subds 1,2; 1984 c 558 art 4 s 10; 1987 c 186 s 15

**116K.10 ELIGIBILITY.**

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

**History:** 1976 c 167 s 3; 1981 c 356 s 248; 1983 c 289 s 115 subd 2; 1984 c 558 art 4 s 10

**116K.11 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 473.121, subdivision 2, 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:** 1976 c 167 s 4; 1981 c 356 s 81,248; 1983 c 289 s 115 subds 1,2; 1984 c 558 art 4 s 10; 1987 c 186 s 15; 1987 c 384 art 2 s 1

**116K.12 MANDATORY TRANSFER OF FUNDS.**

If part or all of the units of government within the metropolitan area as defined by section 473.121, subdivision 2, 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 116K.08, 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.

**History:** 1976 c 167 s 5; 1981 c 356 s 248; 1983 c 289 s 115 subd 2; 1984 c 558 art 4 s 10; 1987 c 384 art 2 s 1

**116K.13 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 85.015, 85.016, 116J.406, 160.265, 473.147, and 473.301 to 473.341.

**History:** 1977 c 421 s 1; 1981 c 356 s 82,248; 1983 c 289 s 115 subds 1,2; 1984 c 558 art 4 s 10; 1987 c 186 s 15

**116K.14 WASHINGTON OFFICE.**

The commissioner may appoint employees in the Washington, D.C., office of the state of Minnesota in accordance with chapter 43A, and prescribe their duties.

In the operation of the Washington, D.C., office of the state of Minnesota, the commissioner may expend money appropriated by the legislature for promotional purposes in the same manner as private persons, firms, corporations, and associations expend money for promotional purposes. Promotional expenditures for food, lodging, or travel are not governed by the travel rules of the commissioner of employee relations.

**History:** 1987 c 312 art 1 s 18; 1989 c 335 art 1 s 163