

## CHAPTER 15

## DEPARTMENTS OF STATE IN GENERAL

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**15.039 EFFECT OF TRANSFER OF POWERS AMONG AGENCIES.**

Subdivision 1. **Application of section.** The provisions of this section apply whenever the responsibilities of an agency are transferred by law to another agency unless the act directing the transfer provides otherwise. The term "responsibilities" includes powers, duties, rights, obligations, and other authority imposed by law on an agency. The term "new agency" means the agency to which responsibilities have been transferred from another agency.

Subd. 2. **In general.** The new agency is a continuation of the former agency as to those matters within the jurisdiction of the former agency that are transferred to the new agency. Following a transfer the new agency shall carry out the assigned responsibilities as though the responsibilities of the former agency had not been transferred. A transfer is not a new authority for the purpose of succession to all responsibilities of the former agency as constituted at the time of the transfer.

Subd. 3. **Rules.** All rules adopted pursuant to responsibilities that are transferred to another agency remain effective and shall be enforced until amended or repealed in accordance with law by the new agency. Any rulemaking authority that existed to implement the responsibilities that are transferred is transferred to the new agency.

Subd. 4. **Court actions.** Any proceeding, court action, prosecution, or other business or matter pending on the effective date of a transfer of responsibilities may be conducted and completed by the new agency in the same manner under the same terms and conditions, and with the same effect, as though it involved or were commenced and conducted or completed by the former agency prior to the transfer.

Subd. 5. **Contracts; records.** The agency whose responsibilities are transferred shall give all contracts, books, maps, plans, papers, records, and property of every description relating to the transferred responsibilities and within its jurisdiction or control to the new agency. The new agency shall accept the material presented. The transfer shall be made in accordance with the directions of the new agency.

Subd. 6. **Unexpended funds.** The unexpended balance of any appropriation to an agency for the purposes of any responsibilities that are transferred to another agency are reappropriated under the same conditions as the original appropriation to the new agency effective on the date of the transfer of responsibilities. If the responsibilities are transferred to more than one agency, the commissioner of finance shall allocate any unexpended appropriation to the agencies affected. The new agencies shall pay all valid claims presented against those appropriations.

Subd. 7. **Personnel.** All classified and unclassified positions associated with the responsibilities being transferred are transferred with their incumbents to the new agency. The approved complement for the agency whose responsibilities are

being transferred is decreased accordingly. The approved complement for the new agency is increased accordingly. Personnel changes are effective on the date of transfer of responsibilities. Nothing in this subdivision shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the managerial or commissioner's plan under section 43A.18 or the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

**History:** 1983 c 289 s 1

### 15.0575 ADMINISTRATIVE BOARDS AND AGENCIES.

*[For text of subd 1, see M.S.1982]*

Subd. 2. **Membership terms.** The terms of the members shall be four years with the terms ending on the first Monday in January. The appointing authority shall appoint as nearly as possible one-fourth of the members to terms expiring each year. If the number of members is not evenly divisible by four, the greater number of members, as necessary, shall be appointed to terms expiring in the year of commencement of the governor's term and the year or years immediately thereafter. If the membership is composed of categories of members from occupations, industries, political subdivisions, the public or other groupings of persons, and if the categories have two or more members each, the appointing authority shall appoint as nearly as possible one-fourth of the members in each category at each appointment date. Members may serve until their successors are appointed and qualify but in no case later than July 1 in a year in which a term expires unless reappointed.

*[For text of subs 3 and 4, see M.S.1982]*

**History:** 1983 c 305 s 6

### 15.059 ADVISORY COUNCILS AND COMMITTEES.

*[For text of subs 1 to 4, see M.S.1982]*

Subd. 5. **Expiration date.** Unless an earlier date is specified by law, the existence of each advisory council and committee governed by this section shall terminate on June 30, 1988.

Subd. 6. **Advisory task forces.** If the existence of an advisory task force is mandated by statute, the task force shall expire on the date specified in the enabling legislation. If no expiration date is specified, the task force shall expire two years after the effective date of the act creating the advisory task force. If the existence of a task force is authorized but not mandated by statute, the task force shall expire at the pleasure of the person or group which creates the task force, or two years after the first members of the task force are appointed, whichever is sooner. A person or group with discretionary authority to create a task force may create another task force to continue the work of a task force which expires, unless prohibited by other law.

Members of advisory task forces shall not receive the \$35 per diem specified in this section but shall receive expenses in the same manner and amount as provided in the commissioner's plan under section 43A.18, subdivision 2. Members appointed to these advisory task forces shall serve until the expiration date of the advisory task force and may be removed pursuant to subdivision 4.

**History:** 1983 c 260 s 5,6

**15.0597 APPOINTMENTS TO MULTI-MEMBER AGENCIES.**

*[For text of subds 1 to 5, see M.S.1982]*

Subd. 6. **Appointments.** In making an appointment to a vacant agency position, the appointing authority shall consider applications for positions in that agency supplied by the secretary. No appointing authority may appoint someone to a vacant agency position until (1) ten days after receipt of the applications for positions in that agency from the secretary or (2) receipt of notice from the secretary that no applications have been received for vacant positions in that agency. At least five days before the date of appointment, the appointing authority shall issue a public announcement and inform the secretary in writing of the name of the person the appointing authority intends to appoint to fill the agency vacancy and the expiration date of that person's term. If the appointing authority intends to appoint a person other than one for whom an application was submitted pursuant to this section, the appointing authority shall complete an application form on behalf of the appointee and submit it to the secretary indicating on the application that it is submitted by the appointing authority.

*[For text of subds 7 and 8, see M.S.1982]*

**History:** 1983 c 305 s 7

**15.06 APPOINTMENT OF DEPARTMENT HEADS; TERMS; DEPUTIES.**

Subdivision 1. **Applicability.** This section applies to the following departments or agencies: the departments of administration, agriculture, commerce, corrections, economic security, education, employee relations, energy and economic development, finance, health, human rights, labor and industry, natural resources, public safety, public welfare, revenue, transportation, and veterans affairs; the housing finance, state planning, and pollution control agencies; the office of commissioner of iron range resources and rehabilitation; the bureau of mediation services; and their successor departments and agencies. The heads of the foregoing departments or agencies are referred to in this section as "commissioners."

Subd. 2. **Term of office; successor.** The term of a commissioner shall end with the term of the office of governor. If the appointing authority is the governor, the term shall end on the date the governor who appointed the commissioner vacates his office. The appointing authority shall submit to the president of the senate the name of an appointee as permanent commissioner as provided by section 15.066, subdivision 2, within 45 legislative days after the end of the term of a commissioner and within 45 legislative days after the occurrence of a vacancy. The appointee shall take office as permanent commissioner when the senate notifies the appointing authority that it has consented to the appointment. A commissioner shall serve at the pleasure of the appointing authority.

*[For text of subds 3 and 4, see M.S.1982]*

Subd. 5. **Effect of designation of acting or temporary commissioner.** A person who is designated acting commissioner or temporary commissioner pursuant to subdivisions 3 or 4 shall immediately have all the powers and emoluments and perform all the duties of the office. A person who is designated permanent commissioner shall have all the powers and may perform all the duties of the office upon receipt of the letter of appointment by the president of the senate pursuant to section 15.066. Upon the appointment of a permanent commissioner or acting commissioner to succeed any other acting or temporary commissioner,

the subsequent appointee shall immediately take the place of any other acting or temporary commissioner. No person shall serve as a permanent commissioner or acting commissioner after the senate has voted to refuse to consent to his appointment as permanent commissioner. Notice of the designation of a commissioner or acting commissioner, or the assumption of office by a temporary commissioner, shall be filed with the president of the senate and the speaker of the house with a copy delivered to the secretary of state and published in the next available edition of the State Register.

*[For text of subs 6 and 7, see M.S.1982]*

Subd. 8. **Number of deputy commissioners.** Unless specifically authorized by statute, other than section 43A.08, subdivision 2, no department or agency specified in subdivision 1 shall have more than one deputy commissioner.

*[For text of subd 9, see M.S.1982]*

**History:** 1983 c 289 s 2,3; 1983 c 305 s 8,9

## 15.066 CONFIRMATION OF APPOINTMENTS.

Subdivision 1. **Applicability.** This section applies to all appointments which by statute require the advice and consent of the senate. For the purpose of this section, the term "agency" includes state departments, boards, committees, councils, commissions, authorities, and advisory task forces created by statute.

Subd. 2. **Procedure.** In all appointments to state agencies which require the advice and consent of the senate, the following procedure shall apply:

(a) The appointing authority shall provide to the president of the senate a letter of appointment which shall include the position title to which the appointment is being made; the name, street address, city and county of the appointee; and the term of the appointment;

(b) For those positions for which a statement of economic interest is required to be filed by section 10A.09, the appointing authority shall give the notice to the ethical practices board required by section 10A.09, subdivision 2, at the time the letter of appointment is directed to the president of the senate;

(c) If the appointment is subject to the open appointments program provided by section 15.0597, the appointing authority shall provide the senate with a copy of the application provided by section 15.0597, at the time the letter of appointment is directed to the president of the senate; and

(d) The appointment shall be effective and the appointee may commence to exercise the duties of the office upon the receipt of the letter of appointment by the president of the senate.

**History:** 1983 c 305 s 10

## 15.16 TRANSFER OF LANDS BETWEEN DEPARTMENTS.

*[For text of subs 1 to 4, see M.S.1982]*

Subd. 5. **Obtaining recommendation.** No control of state-owned lands shall be transferred between state departments without first consulting the chairmen of the senate finance committee and house of representatives appropriations committee and obtaining their recommendations. The recommendations shall be adviso-

ry only. Failure to obtain a prompt recommendation shall be deemed a negative recommendation.

**History:** 1983 c 301 s 65

### 15.375 UNITED FUND PAYROLL DEDUCTIONS.

Subdivision 1. [Repealed, 1983 c 355 s 4]

Subd. 2. The commissioner of finance, upon the written request of a state officer or employee, shall deduct each payroll period from the salary or wages of the officer or employee the amount specified in the written request for payment to a registered combined charitable organization defined in section 309.501, and issue his warrant in that amount to that registered combined charitable organization.

**History:** 1983 c 355 s 1

### 15.38 NONINSURANCE OF STATE PROPERTY; EXCEPTIONS.

*[For text of subds 1 to 4, see M.S.1982]*

Subd. 5. **Family farm security program.** The commissioner of agriculture may purchase insurance as authorized in section 41.56, subdivision 7.

**History:** 1983 c 332 s 17

### 15.50 CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD.

Subdivision 1. (a) The legislature finds that the purposes of the board are to (1) preserve and enhance the dignity, beauty and architectural integrity of the capitol, the buildings immediately adjacent to it, the capitol grounds, and the capitol area; (2) protect, enhance, and increase the open spaces within the capitol area when deemed necessary and desirable for the improvement of the public enjoyment thereof; (3) develop proper approaches to the capitol area for pedestrian movement, the highway system, and mass transit system so that the area achieves its maximum importance and accessibility; and (4) establish a flexible framework for growth of the capitol buildings which will be in keeping with the spirit of the original design.

(b) The capitol area architectural and planning board, herein referred to as the board, consists of ten members. The lieutenant governor shall be a member of the board. Four members shall be appointed by the governor; three members, one of whom shall be a resident of the district planning council area containing the capitol area, shall be appointed by the mayor of the city of Saint Paul, with the advice and consent of the city council. The speaker of the house shall appoint a member of the house of representatives and the president of the senate shall appoint one senator to be members of the board. Each person appointed to the board shall qualify by taking the oath of office.

(c) The lieutenant governor is the chairman of the board. The attorney general is the legal advisor to the board. The board may elect a vice-chairman who may preside at meetings in the absence of the lieutenant governor and such other officers as it may deem necessary to carry out its duties.

(d) The board shall select an executive secretary to serve the board. It may employ such other officers and employees as it may deem necessary all of whom

shall be in the classified service of the state civil service. The board may contract for professional and other similar service on such terms as it may deem desirable.

*[For text of subds 2 to 7, see M.S.1982]*

**History:** 1983 c 305 s 11

### **15.61 UNEMPLOYED AND UNDEREMPLOYED; EMPLOYMENT BY STATE AND OTHER GOVERNMENTAL UNITS.**

Subdivision 1. The state of Minnesota, its departments, agencies and instrumentalities, and any county, city, town, school district or other body corporate and politic, may employ unemployed and underemployed persons as defined in the federal Emergency Employment Act of 1971, as amended, Comprehensive Employment and Training Act of 1973, as amended, and eligible job applicants under sections 268.671 to 268.686 pursuant to the terms of those acts.

Subd. 2. The provisions of Minnesota Statutes 1969, Sections 197.455 to 197.48 and 43A.11 and any other law or ordinance relating to preference in employment and promotion of persons having served in the armed services, the provisions of any law, rule or regulation, the provisions of any city charter or any ordinance or resolution, or the provisions of any other law or statute in conflict with the provisions of the federal Emergency Employment Act of 1971, as amended, Comprehensive Employment and Training Act of 1973, as amended, and eligible job applicants under sections 268.671 to 268.686 shall not be applicable to the employment of the persons specified in subdivision 1.

**History:** 1983 c 312 art 7 s 17

NOTE: This section, as amended by Laws 1983, chapter 312, article 7, section 17, is repealed effective June 30, 1985. See Laws 1983, chapter 312, article 7, section 16.