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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH
SESSION

HOUSE FILE No. 419

February 9, 2011

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The bill was read for the first time and referred to the Committee on Government Operations and Elections

1.1 A bill for an act
1.2 relating to state government; reducing the number of departments in the executive
1.3 branch; amending Minnesota Statutes 2010, sections 15.01; 15.06, subdivision 1;
1.4 15A.0815, subdivisions 2, 3; 43A.08, subdivision 1a.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 15.01, is amended to read:

1.7 **15.01 DEPARTMENTS OF THE STATE.**

1.8 The following agencies are designated as the departments of the state government:

1.9 the Department of Administration; the Department of Agriculture; the Department of

1.10 Commerce; ~~the Department of Corrections~~; the Department of Education; ~~the Department~~

1.11 ~~of Employment and Economic Development~~; ~~the Department of Health~~; ~~the Department~~

1.12 ~~of Human Rights~~; ~~the Department of Labor and Industry~~; ~~the Department of Management~~

1.13 ~~and Budget~~; the Department of Military and Veterans Affairs; the Department of Natural

1.14 Resources; the Department of Public Safety; the Department of Human Services; ~~the~~

1.15 ~~Department of Revenue~~; ~~the Department of Transportation~~; ~~the Department of Veterans~~

1.16 ~~Affairs~~; and their successor departments.

1.17 Sec. 2. Minnesota Statutes 2010, section 15.06, subdivision 1, is amended to read:

1.18 Subdivision 1. **Applicability.** This section applies to the following departments

1.19 or agencies: the Departments of Administration, Agriculture, Commerce, ~~Corrections~~,

1.20 Education, ~~Employment and Economic Development~~, ~~Health~~, ~~Human Rights~~, ~~Labor and~~

1.21 ~~Industry~~, ~~Management and Budget~~, Military and Veterans Affairs, Natural Resources,

1.22 Public Safety, Human Services, ~~Revenue~~, ~~Transportation~~, and ~~Veterans Affairs~~; ~~the~~

1.23 ~~Housing Finance and Pollution Control Agencies~~; ~~the Office of Commissioner of Iron~~

2.1 ~~Range Resources and Rehabilitation, the Bureau of Mediation Services, and their~~
 2.2 successor departments and agencies. The heads of the foregoing departments or agencies
 2.3 are "commissioners."

2.4 Sec. 3. Minnesota Statutes 2010, section 15A.0815, subdivision 2, is amended to read:

2.5 Subd. 2. **Group I salary limits.** The salaries for positions in this subdivision may
 2.6 not exceed 95 percent of the salary of the governor:

2.7 Commissioner of administration;

2.8 Commissioner of agriculture;

2.9 Commissioner of education;

2.10 Commissioner of commerce;

2.11 Commissioner of corrections;

2.12 ~~Commissioner of health;~~

2.13 ~~Executive director, Minnesota Office of Higher Education;~~

2.14 ~~Commissioner, Housing Finance Agency;~~

2.15 ~~Commissioner of human rights;~~

2.16 Commissioner of human services;

2.17 ~~Commissioner of labor and industry;~~

2.18 ~~Commissioner of management and budget;~~

2.19 Commissioner of military and veterans affairs;

2.20 Commissioner of natural resources;

2.21 ~~Director of Office of Strategic and Long-Range Planning;~~

2.22 ~~Commissioner, Pollution Control Agency;~~

2.23 Executive director, Public Employees Retirement Association;

2.24 Commissioner of public safety;

2.25 ~~Commissioner of revenue;~~

2.26 Executive director, State Retirement System; and

2.27 Executive director, Teachers Retirement Association; ;

2.28 ~~Commissioner of employment and economic development;~~

2.29 ~~Commissioner of transportation; and~~

2.30 ~~Commissioner of veterans affairs.~~

2.31 Sec. 4. Minnesota Statutes 2010, section 15A.0815, subdivision 3, is amended to read:

2.32 Subd. 3. **Group II salary limits.** The salaries for positions in this subdivision may
 2.33 not exceed 85 percent of the salary of the governor:

2.34 Executive director of Gambling Control Board;

- 3.1 Commissioner, Iron Range Resources and Rehabilitation Board;
 3.2 ~~Commissioner, Bureau of Mediation Services;~~
 3.3 Ombudsman for Mental Health and Developmental Disabilities;
 3.4 Chair, Metropolitan Council;
 3.5 Executive director of pari-mutuel racing; and
 3.6 Commissioner, Public Utilities Commission.

3.7 Sec. 5. Minnesota Statutes 2010, section 43A.08, subdivision 1a, is amended to read:

3.8 Subd. 1a. **Additional unclassified positions.** Appointing authorities for the
 3.9 following agencies may designate additional unclassified positions according to this
 3.10 subdivision: the Departments of Administration; Agriculture; Commerce; ~~Corrections;~~
 3.11 Education; ~~Employment and Economic Development; Explore Minnesota Tourism;~~
 3.12 ~~Management and Budget; Health; Human Rights; Labor and Industry;~~ Natural Resources;
 3.13 Public Safety; Human Services; ~~Revenue; Transportation; and Military and Veterans~~
 3.14 ~~Affairs; the Housing Finance and Pollution Control Agencies;~~ the State Lottery; the
 3.15 State Board of Investment; the Office of Administrative Hearings; the Offices of the
 3.16 Attorney General, Secretary of State, and State Auditor; the Minnesota State Colleges
 3.17 and Universities; ~~the Minnesota Office of Higher Education;~~ the Perpich Center for Arts
 3.18 Education; and the Minnesota Zoological Board.

3.19 A position designated by an appointing authority according to this subdivision must
 3.20 meet the following standards and criteria:

3.21 (1) the designation of the position would not be contrary to other law relating
 3.22 specifically to that agency;

3.23 (2) the person occupying the position would report directly to the agency head or
 3.24 deputy agency head and would be designated as part of the agency head's management
 3.25 team;

3.26 (3) the duties of the position would involve significant discretion and substantial
 3.27 involvement in the development, interpretation, and implementation of agency policy;

3.28 (4) the duties of the position would not require primarily personnel, accounting, or
 3.29 other technical expertise where continuity in the position would be important;

3.30 (5) there would be a need for the person occupying the position to be accountable to,
 3.31 loyal to, and compatible with, the governor and the agency head, the employing statutory
 3.32 board or commission, or the employing constitutional officer;

3.33 (6) the position would be at the level of division or bureau director or assistant
 3.34 to the agency head; and

4.1 (7) the commissioner has approved the designation as being consistent with the
4.2 standards and criteria in this subdivision.

4.3 **Sec. 6. REASSIGNMENT OF DUTIES.**

4.4 (a) The commissioner of administration, with the approval of the governor, must
4.5 issue reorganization orders under Minnesota Statutes, section 16B.37, to reassign the
4.6 duties of the departments abolished under Minnesota Statutes, section 15.01, to the
4.7 remaining departments listed in Minnesota Statutes, section 15.01. Notwithstanding any
4.8 contrary provision of Minnesota Statutes, section 16B.37, these reorganization orders take
4.9 effect upon filing with the secretary of state, even if the order transfers all or substantially
4.10 all of the powers, duties, and personnel of an executive branch entity. As required by
4.11 Minnesota Statutes, section 16B.37, the commissioner of administration must submit to
4.12 the legislature by January 15, 2012, a bill to make all statutory changes required as a
4.13 result of these reorganization orders.

4.14 (b) The commissioner of administration, in coordination with the commissioners
4.15 of agencies listed in Minnesota Statutes, section 15.01, must report to the legislature by
4.16 January 15, 2012, on efforts to consolidate divisions, programs, and activities within the
4.17 agencies listed in Minnesota Statutes, section 15.01, to maximize efficiency and minimize
4.18 overlap and duplication. The report must include proposed statutory changes needed to
4.19 accomplish the requirements of this section.

4.20 **Sec. 7. EFFECTIVE DATE.**

4.21 Sections 1 to 6 are effective July 1, 2011.