

SENATE

STATE OF MINNESOTA

EIGHTY-SEVENTH LEGISLATURE

S.F. No. 739

(SENATE AUTHORS: LILLIE, Parry and Senjem)

DATE	D-PG	OFFICIAL STATUS
03/10/2011	485	Introduction and first reading Referred to State Government Innovation and Veterans
05/09/2011	1843a	Comm report: To pass as amended and re-refer to Finance See SF1047, Art. 3, Sec. 24-25, 39, 46, 49-55 (vetoed)

A bill for an act  
relating to state government; reducing the number of deputy commissioners  
and eliminating assistant commissioner positions in the unclassified service;  
estimating reduction to general fund costs; amending Minnesota Statutes 2010,  
sections 15.057; 15.06, subdivision 8; 16B.03; 43A.08, subdivision 1; 45.013;  
84.01, subdivision 3; 116.03, subdivision 1; 116J.01, subdivision 5; 116J.035,  
subdivision 4; 174.02, subdivision 2; 241.01, subdivision 2.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2010, section 15.057, is amended to read:

**15.057 PUBLICITY REPRESENTATIVES AND LEGISLATIVE LIAISONS.**  
Subdivision 1. Public representation. No state department, bureau, or division,  
whether the same operates on funds appropriated or receipts or fees of any nature  
whatsoever, except the Department of Transportation, the Department of Employment  
and Economic Development, the Game and Fish Division, State Agricultural Society, and  
Explore Minnesota Tourism shall use any of such funds for the payment of the salary or  
expenses of a publicity representative. The head of any such department, bureau, or  
division shall be personally liable for funds used contrary to this provision. This ~~section~~  
subdivision shall not be construed, however, as preventing any such department, bureau,  
or division from sending out any bulletins or other publicity required by any state law or  
necessary for the satisfactory conduct of the business for which such department, bureau,  
or division was created.  
Subd. 2. Legislative liaisons. No state agency may use any money appropriated  
to it for the salary or expenses of an individual serving as a liaison for the legislative  
affairs of the agency. This subdivision does not prevent any other employee of a state

2.1 agency from providing information requested by legislators and providing testimony at  
2.2 legislative hearings.

2.3 Sec. 2. Minnesota Statutes 2010, section 15.06, subdivision 8, is amended to read:

2.4 Subd. 8. **Number of deputy commissioners.** ~~Unless specifically authorized by~~  
2.5 ~~statute, other than section 43A.08, subdivision 2~~ Except for the Department of Veterans  
2.6 Affairs, no department or agency specified in subdivision 1 shall have more than one  
2.7 deputy commissioner. No department or agency specified in subdivision 1 may employ an  
2.8 assistant commissioner.

2.9 Sec. 3. Minnesota Statutes 2010, section 16B.03, is amended to read:

2.10 **16B.03 APPOINTMENTS.**

2.11 The commissioner is authorized to appoint staff, including ~~two~~ one deputy  
2.12 ~~commissioners~~ commissioner, in accordance with chapter 43A.

2.13 Sec. 4. Minnesota Statutes 2010, section 43A.08, subdivision 1, is amended to read:

2.14 Subdivision 1. **Unclassified positions.** Unclassified positions are held by employees  
2.15 who are:

2.16 (1) chosen by election or appointed to fill an elective office;

2.17 (2) heads of agencies required by law to be appointed by the governor or other  
2.18 elective officers, and the executive or administrative heads of departments, bureaus,  
2.19 divisions, and institutions specifically established by law in the unclassified service;

2.20 (3) ~~deputy and assistant~~ agency heads and one confidential secretary in the agencies  
2.21 ~~listed in subdivision 1a and in the Office of Strategic and Long-Range Planning section~~  
2.22 15.06, subdivision 1;

2.23 (4) the confidential secretary to each of the elective officers of this state and, for the  
2.24 secretary of state and state auditor, an additional deputy, clerk, or employee;

2.25 (5) intermittent help employed by the commissioner of public safety to assist in  
2.26 the issuance of vehicle licenses;

2.27 (6) employees in the offices of the governor and of the lieutenant governor and one  
2.28 confidential employee for the governor in the Office of the Adjutant General;

2.29 (7) employees of the Washington, D.C., office of the state of Minnesota;

2.30 (8) employees of the legislature and of legislative committees or commissions;  
2.31 provided that employees of the Legislative Audit Commission, except for the legislative  
2.32 auditor, the deputy legislative auditors, and their confidential secretaries, shall be  
2.33 employees in the classified service;

(9) presidents, vice-presidents, deans, other managers and professionals in academic and academic support programs, administrative or service faculty, teachers, research assistants, and student employees eligible under terms of the federal Economic Opportunity Act work study program in the Perpich Center for Arts Education and the Minnesota State Colleges and Universities, but not the custodial, clerical, or maintenance employees, or any professional or managerial employee performing duties in connection with the business administration of these institutions;

(10) officers and enlisted persons in the National Guard;

(11) attorneys, legal assistants, and three confidential employees appointed by the attorney general or employed with the attorney general's authorization;

(12) judges and all employees of the judicial branch, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the Department of Labor and Industry;

(13) members of the State Patrol; provided that selection and appointment of State Patrol troopers must be made in accordance with applicable laws governing the classified service;

(14) examination monitors and intermittent training instructors employed by the Departments of Management and Budget and Commerce and by professional examining boards and intermittent staff employed by the technical colleges for the administration of practical skills tests and for the staging of instructional demonstrations;

(15) student workers;

(16) executive directors or executive secretaries appointed by and reporting to any policy-making board or commission established by statute;

(17) employees unclassified pursuant to other statutory authority;

(18) intermittent help employed by the commissioner of agriculture to perform duties relating to pesticides, fertilizer, and seed regulation;

(19) the administrators and the deputy administrators at the State Academies for the Deaf and the Blind; and

(20) chief executive officers in the Department of Human Services.

Sec. 5. Minnesota Statutes 2010, section 45.013, is amended to read:

**45.013 POWER TO APPOINT STAFF.**

The commissioner of commerce may appoint ~~four~~ one deputy commissioner, ~~four~~ one assistant commissioner, and an assistant to the commissioner. Those positions, as well as ~~that of~~ and a confidential secretary, ~~are in the~~ are in the unclassified service. The commissioner may

4.1 appoint other employees necessary to carry out the duties and responsibilities entrusted to  
4.2 the commissioner.

4.3 Sec. 6. Minnesota Statutes 2010, section 84.01, subdivision 3, is amended to read:

4.4 Subd. 3. **Employees; delegation.** ~~Subject to the provisions of Laws 1969, chapter~~  
4.5 ~~1129, and to other applicable laws~~ The commissioner shall organize the department and  
4.6 employ ~~up to three assistant commissioners, each of whom shall serve at the pleasure of~~  
4.7 ~~the commissioner in the unclassified service, one of whom shall have responsibility for~~  
4.8 ~~coordinating and directing the planning of every division within the agency, and such other~~  
4.9 officers, employees, and agents as the commissioner may deem necessary to discharge the  
4.10 functions of the department, define the duties of such officers, employees, and agents and  
4.11 to delegate to them any of the commissioner's powers, duties, and responsibilities subject  
4.12 to the control of, and under the conditions prescribed by, the commissioner. Appointments  
4.13 to exercise delegated power shall be by written order filed with the secretary of state.

4.14 Sec. 7. Minnesota Statutes 2010, section 116.03, subdivision 1, is amended to read:

4.15 Subdivision 1. **Office.** (a) The office of commissioner of the Pollution Control  
4.16 Agency is created and is under the supervision and control of the commissioner, who is  
4.17 appointed by the governor under the provisions of section 15.06.

4.18 (b) The commissioner may appoint a deputy commissioner ~~and assistant~~  
4.19 ~~commissioners~~ who shall be in the unclassified service.

4.20 (c) The commissioner shall make all decisions on behalf of the agency that are not  
4.21 required to be made by the agency under section 116.02.

4.22 Sec. 8. Minnesota Statutes 2010, section 116J.01, subdivision 5, is amended to read:

4.23 Subd. 5. **Departmental organization.** (a) The commissioner shall organize the  
4.24 department as provided in section 15.06.

4.25 (b) The commissioner may establish divisions and offices within the department.

4.26 ~~The commissioner may employ four deputy commissioners in the unclassified service.~~

4.27 (c) The commissioner shall:

4.28 (1) employ assistants and other officers, employees, and agents that the commissioner  
4.29 considers necessary to discharge the functions of the commissioner's office;

4.30 (2) define the duties of the officers, employees, and agents, and delegate to them any  
4.31 of the commissioner's powers, duties, and responsibilities, subject to the commissioner's  
4.32 control and under conditions prescribed by the commissioner.

(d) The commissioner shall ensure that there are at least three employment and economic development officers in state offices in nonmetropolitan areas of the state who will work with local units of government on developing local employment and economic development.

Sec. 9. Minnesota Statutes 2010, section 116J.035, subdivision 4, is amended to read:

Subd. 4. **Delegation of powers.** The commissioner may delegate, in written orders filed with the secretary of state, any powers or duties subject to the commissioner's control to officers and employees in the department. Regardless of any other law, the commissioner may delegate the execution of specific contracts or specific types of contracts to the commissioner's ~~deputies, an assistant commissioner, deputy~~ or a program director if the delegation has been approved by the commissioner of administration and filed with the secretary of state.

Sec. 10. Minnesota Statutes 2010, section 174.02, subdivision 2, is amended to read:

Subd. 2. **Unclassified positions.** The commissioner may ~~establish four positions in the unclassified service at the~~ appoint a deputy and assistant commissioner, assistant to commissioner or and a personal secretary levels. ~~No more than two of these positions shall be at the deputy commissioner level in the unclassified service.~~

Sec. 11. Minnesota Statutes 2010, section 241.01, subdivision 2, is amended to read:

Subd. 2. ~~Deputies~~ **Deputy.** The commissioner of corrections may appoint and employ ~~no more than two a deputy commissioners~~ commissioner. The commissioner may also appoint a personal secretary, who shall serve at the commissioner's pleasure in the unclassified civil service.

Sec. 12. **REDUCTION.**

The total reduction to general fund costs from salaries and economic benefits attributable to the positions eliminated by sections 1 to 10 is estimated to be at least \$3,871,000 for the fiscal year ending June 30, 2012, and at least \$3,871,000 for the fiscal year ending June 30, 2013.