
 CHAPTER 305—S.F.No.109

[Coded in Part]

An act relating to the organization of state government; providing that heads of certain departments and other governmental units of the state shall be appointed by and shall serve at the pleasure of the appointing authority; providing for the succession of commissioners; limiting the ability of former commissioners and former deputy commissioners to appear before their former agencies; defining position and duties of deputy department heads; standardizing the format and procedures relating to executive orders and reorganization orders; prescribing uses for executive orders; limiting the scope of reorganization orders; abolishing the board of health and transferring its powers to the commissioner of health; creating a health advisory council; adjusting expense reimbursement for department heads; eliminating obsolete language; amending Minnesota Statutes 1976, Sections 15.051, Subdivisions 1 and 3; 15.06; 16.01; 16.028, Subdivision 1; 16.125; 16A.01, Subdivisions 2 and 3; 16A.16; 17.01; 43.001, Subdivisions 2 and 3; 45.02; 45.15; 60A.03, Subdivision 1; 84.01, Subdivision 2; 116.03, Subdivision 1; 116H.03, Subdivisions 2 and 3; 121.09; 121.16, Subdivision 1; 129A.02, Subdivision 2; 174.02, Subdivision 1; 175.001, Subdivision 1; 179.02; 196.02, Subdivision 1; 216A.06, Subdivision 1; 241.01, Subdivisions 1 and 2; 245.03; 268.12, Subdivision 1; 270.02, Subdivisions 2 and 3; 298.22, Subdivision 1; 299A.01, Subdivisions 1 and 2; 362.09, Subdivision 1; 363.04, Subdivision 1; 462A.04, Subdivision 8; and Chapter 144, by adding a section; repealing Minnesota Statutes 1976, Sections 16.13; 121.07; 121.08; 121.10; 121.16, Subdivision 2; 144.01; 144.02; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2.

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

Section 1. Minnesota Statutes 1976, Section 15.06, is amended to read:

15.06 STATE GOVERNMENT; ADMINISTRATION; APPOINTMENT OF DEPARTMENT HEADS; TERMS; DEPUTIES. Subdivision 1. APPLICABILITY. This section applies to the following departments or agencies: the departments of administration, agriculture, corrections, economic development, education, employment services, finance, health, human rights, labor and industry, natural resources, personnel, public safety, public welfare, revenue, transportation, veterans affairs and vocational rehabilitation; the banking, insurance and securities divisions and the consumer services section of the department of commerce; the energy, housing finance 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 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

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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. Effective on and after July 1, 1987, a commissioner may only be removed for cause after notice and hearing.

Subd. 3. VACANCY; TEMPORARY COMMISSIONER. The purpose of this subdivision is to provide a procedure to insure the immediate accession to office of a temporary commissioner in the event of a vacancy in the office of commissioner. If at the end of a term of a commissioner the incumbent commissioner is not designated as acting commissioner pursuant to subdivision 4, or if a vacancy occurs in the office of a commissioner, the deputy commissioner as defined in subdivision 7 shall immediately become temporary commissioner without further official action. If there is more than one deputy commissioner, the appointing authority of the commissioner shall designate which of the deputies shall be temporary commissioner. If there is no deputy commissioner, the appointing authority of the commissioner shall designate an temporary commissioner.

Subd. 4. END OF TERM; VACANCY; ACTING COMMISSIONER. The purpose of this subdivision is to provide alternative means whereby an appointing authority may designate a person other than a temporary commissioner to serve as acting commissioner until advice and consent of the senate is received in respect to a permanent appointee. These alternative means include the following:

(1) At the end of the term of a commissioner, the incumbent commissioner may at the discretion of the appointing authority serve as acting commissioner until his successor is appointed and qualifies.

(2) An appointing authority may appoint a person other than a deputy to serve as acting commissioner and to replace any other acting or temporary commissioner designated pursuant to subdivisions 3 or 4.

(3) Prior to the advice and consent of the senate, the appointing authority may designate the permanent appointee as commissioner.

Subd. 5. EFFECT OF DESIGNATION OF ACTING OR TEMPORARY COMMISSIONER. A person who is designated commissioner, 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. Upon the appointment of a 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 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.

Subd. 6. GENERAL POWERS OF COMMISSIONERS. Except as otherwise expressly provided by law, the a commissioner or head of any state department or agency

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shall have the following powers:

(1) To designate a division director or other subordinate as his deputy, to serve as such at his pleasure, with full authority to act for him, but subject to his control; and in case of a vacancy in the office of such commissioner or head, such deputy shall discharge the necessary duties of the office until the vacancy be filled;

(2) (1) To delegate to any of his subordinate officers or employees the exercise of such of his specified statutory powers or duties as he may deem advisable, subject to his control; provided, that every such delegation shall be made by written order, filed with the secretary of state; and further provided that only a deputy commissioner may have all the powers or duties of the commissioner;

(3) (2) To appoint all subordinate officers and employees in his department or agency and to prescribe their duties and fix their compensation; provided, that all departments and agencies hereunder shall be subject to the provisions of any civil service law now or hereafter enacted, so far as applicable chapter 43;

(4) (3) With the approval of the commissioner of administration, to establish within organize his department or agency such bureaus or subdivisions as he may deem advisable in the interest of economy and efficiency; and

(5) (4) To prescribe rules and regulations, not inconsistent with law, procedures for the conduct internal management of his department or agency and other matters within the scope of the functions thereof, including the custody and preservation of books, records, papers, documents, and other property, and the certification of copies of papers and documents; provided, that every rule or regulation affecting any person or agency, other than a member of the department or agency concerned, shall be filed with the secretary of state to the extent that the procedures do not directly affect the rights of or procedure available to the public.

Subd. 7. DEPUTY COMMISSIONER. For purposes of this section, a "deputy commissioner" shall also include a "deputy director" when the department head bears the title "director". A deputy commissioner of a department or agency specified in subdivision 1 shall be in the unclassified civil service and shall be immediately subordinate to the commissioner. He shall have all the powers and authority of the commissioner unless the commissioner directs otherwise, and he shall speak for the commissioner within and without the department or agency. The primary duty of a deputy shall be to assist the commissioner in the general management of the entire department or agency or of major parts thereof, and shall not consist of operating single functional areas. A deputy commissioner serves at the pleasure of the commissioner.

Subd. 8. NUMBER OF DEPUTY COMMISSIONERS. Unless specifically authorized by statute, other than section 43.09, subdivision 2a, no department or agency specified in subdivision 1 shall have more than one deputy commissioner. Notwithstanding any other law to the contrary, none of the departments or agencies shall have more than two deputy commissioners.

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Subd. 2. PRIVATE EMPLOYMENT. No former commissioner or deputy commissioner may, within one year after leaving the position of commissioner or deputy commissioner in a department or agency, appear or participate in proceedings of that department or agency representing the interests of private persons.

Sec. 2. [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 5.

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.

Sec. 3. Minnesota Statutes 1976, Section 15.051, Subdivision 1, is amended to read:

15.051 STATE REGISTER. Subdivision 1. PURPOSE. The commissioner of administration shall publish a state register containing all notices for hearings concerning rules, giving time, place and purpose of the hearing and the full text of the action being proposed. Further, the register shall contain all rules, amendments, suspensions, or repeals thereof, pursuant to the provisions of this chapter. The commissioner shall further publish any executive order issued by the governor which shall become effective upon such 15 days after publication except as provided in section 2, subdivision 2. The commissioner shall further publish any official notices in the register which a state agency requests him to publish. Such notices shall include, but shall not be limited to, the date on which a new agency becomes operational, the assumption of a new function by an existing state agency, or the appointment of commissioners. The commissioner may prescribe the form and manner in which agencies submit any material for publication in the state register, and he may withhold publication of any material not submitted according to the form or procedures he has prescribed.

The commissioner of administration may organize and distribute the contents of the register according to such categories as will provide economic publication and distribution and will offer easy access to information by any interested party.

Sec. 4. Minnesota Statutes 1976, Section 15.051, Subdivision 3, is amended to read:

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Subd. 3. **SUBMISSION OF ITEMS FOR PUBLICATION.** Any state agency which desires to publish a notice of hearing, rule or regulation or change thereof; ~~or an executive order;~~ shall submit a copy of the entire document, including dates when adopted, and filed with the secretary of state, to the commissioner of administration in addition to any other copies which may be required to be filed with the commissioner by other law.

Sec. 5. **[15.0593] AGENCIES CREATED BY EXECUTIVE ORDER.** The governor may by executive order create in his office advisory task forces, councils and committees to advise or assist him on matters relating to the laws of this state. A task force, council or committee so created shall have no more than 15 members, and vacancies may be filled by the governor. Members of a task force, council or committee shall receive no per diem but may be paid expenses in the same manner as state employees. A task force, council or committee shall expire two years after the date of order unless otherwise specified consistent with section 2, subdivision 3. The task force, council or committee shall be named beginning with the prefix "Governor's Task Force on", "Governor's Council on" or "Governor's Committee on". The governor shall not create a board, commission, authority or other similar multi-member agency except as provided in this section. A multi-member agency previously created by executive order shall be renamed and shall be consistent with the provisions of this section. Nothing in this section shall apply, to the extent inconsistent with statute or federal law, to any multi-member agency specifically authorized by statute or specifically authorized by federal law as a condition precedent to the receipt of federal moneys.

Sec. 6. Minnesota Statutes 1976, Section 16.01, is amended to read:

16.01 COMMISSIONER OF ADMINISTRATION. The department of administration shall be under the supervision and control of a commissioner of administration, in ~~sections 16.01 to 16.23~~ chapter 16 also referred to as the commissioner; ~~who shall be ex officio the state budget director and state purchasing agent.~~

The commissioner of ~~administration, who shall be in unclassified service,~~ shall be appointed by the governor; ~~by and with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. In case of a vacancy, the governor may appoint a commissioner who shall immediately take office and shall carry on all of the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval under the provisions of section 1.~~

Sec. 7. Minnesota Statutes 1976, Section 16.028, Subdivision 1, is amended to read:

16.028 ADDITIONAL POWERS. Subdivision 1. In addition to the other powers, duties and responsibilities of the commissioner of administration, he may appoint ~~two~~ one deputy ~~commissioners~~ commissioner, and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service.

Sec. 8. Minnesota Statutes 1976, Section 16A.01, Subdivision 2, is amended to read:

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Subd. 2. The commissioner of finance is appointed by the governor by and with the advice and consent of the senate under the provisions of section 1. The commissioner so appointed shall have broad experience as an executive financial manager. The commissioner shall serve at the pleasure of the governor. A vacancy in the office of the commissioner shall be filled by the governor, with the advice and consent of the senate.

Sec. 9. Minnesota Statutes 1976, Section 16A.01, Subdivision 3, is amended to read:

Subd. 3. The commissioner may appoint ~~two deputy commissioners~~ one deputy commissioner, and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service. ~~Except as may be otherwise provided for by law, the commissioner shall fix the compensation of each deputy. A deputy may perform and exercise a power, duty, or responsibility imposed by law on the commissioner when authorized so to do by the commissioner.~~

Sec. 10. Minnesota Statutes 1976, Section 16.125, is amended to read:

16.125 **TRANSFER OF POWERS OR DUTIES.** Subdivision 1. The authority of the commissioner of administration under sections 16.13 and 16.135, includes the authority to transfer functions, in order to improve efficiency or avoid duplication, may transfer powers or duties, and personnel necessary to perform the powers or duties, of a department to another with the approval of the governor or agency to another department or agency that has been in existence for at least one year prior to the date of transfer. A transfer must have received the prior approval of the governor. The commissioner of administration shall no later than January 15 of each year submit to the legislature a bill making all statutory changes required by reorganization orders issued by the commissioner during the preceding calendar year.

Subd. 2. FORM OF TRANSFER; EFFECTIVE DATE. A transfer made pursuant to subdivision 1 shall be in the form of a reorganization order. A reorganization order shall be filed with the secretary of state, shall be uniform in format and shall be numbered consecutively. An order shall be effective upon filing with the secretary of state and shall remain in effect until amended or superseded. Copies of the filed order shall be delivered promptly by the commissioner to the secretary of the senate and the chief clerk of the house. A reorganization order which transfers all or substantially all of the powers or duties or personnel of a department, the energy agency, the housing finance agency or the pollution control agency shall not be effective until ratified by concurrent resolution or enacted into law.

Subd. 3. In case of transfer of function The commissioner of finance shall determine the fractional part of the appropriation to the department or agency from which the function power or duty is transferred for the function represented by that transferred power or duty, and that part of the appropriation is hereby reappropriated to the transferee department assigned the function. ~~The commissioner shall forthwith report the transfers to the committee on finance in the senate and the committee on appropriations in the house of representatives or agency.~~

Sec. 11. Minnesota Statutes 1976, Section 16A.16, is amended to read:

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16A.16 DEPARTMENT HEAD EXPENSES. Heads of departments in the executive branch who receive a fixed salary of, or whose range midpoint is, ~~\$23,000~~ \$36,000 annually or more, and constitutional officers, are authorized to expend annually a sum not to exceed \$2,000; and the heads of all other state departments are authorized to expend a sum not to exceed \$1,000 annually from their supply and expense funds for expenses necessary for the normal performance of their duties for which no other reimbursement is provided. The expenditures are subject to the statutes and rules ~~and regulations~~ of the state governing budgeting, allotment and encumbrance, preaudit, and post audit.

The commissioner of finance may promulgate rules ~~and regulations~~ as necessary to assure the proper expenditure of these funds, and to provide for reimbursement.

Sec. 12. Minnesota Statutes 1976, Section 17.01, is amended to read:

17.01 CREATION OF DEPARTMENT; COMMISSIONER; DEPUTY. There is ~~hereby~~ created a department of agriculture, which shall be in the charge of a commissioner; ~~who shall be in unclassified service; to be known as the commissioner of agriculture, in this chapter called the commissioner; who~~ He shall be appointed by the governor; ~~by and with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. On January 4, 1977, the term of the incumbent commissioner of agriculture shall expire. In case of a vacancy, the governor may appoint a commissioner who shall immediately take office and shall carry on all of the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval under the provisions of section 1.~~ Before entering upon the duties of his office, he shall take ~~and subscribe~~ the oath required of state officials ~~and give his bond to the state of Minnesota; to be approved by; and filed with; the secretary of state; for the sum of \$5,000; conditioned for the faithful performance of his duties.~~ He may appoint a deputy ~~who shall be in the unclassified service; commissioner~~ and such other assistants, clerks, and employees as occasion may require.

Sec. 13. Minnesota Statutes 1976, Section 43.001, Subdivision 2, is amended to read:

Subd. 2. The commissioner of personnel is appointed by the governor ~~by and with the advice and consent of the senate for a term which coincides with the term of the governor and until his successor is duly appointed and qualifies under the provisions of section 1.~~ He shall have broad experience in a managerial position including about five years as an executive personnel manager in one or more organizations essentially similar in complexity to state government. ~~The governor may remove the commissioner only for cause; and after a public hearing. A vacancy in the office of the commissioner shall be filled by the appointing authority for the unexpired term.~~

Sec. 14. Minnesota Statutes 1976, Section 43.001, Subdivision 3, is amended to read:

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Subd. 3. The commissioner may appoint ~~two deputy commissioners~~ one deputy commissioner and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service. ~~Except as may be otherwise provided for by law, the commissioner shall fix the compensation of each deputy commissioner. A deputy commissioner may perform and exercise a power, duty, or responsibility imposed by law on the commissioner when authorized so to do by the commissioner.~~

Sec. 15. Minnesota Statutes 1976, Section 45.02, is amended to read:

45.02 COMMISSIONERS; APPOINTMENT, TERMS, VACANCIES. The governor, ~~by and with the advice and consent of the senate,~~ shall appoint the members of the commission under the provisions of section 1. ~~The term of each member shall be six years. In case of a vacancy it shall be filled for the unexpired portion of the term.~~ Each member of the commission, before entering upon the discharge of his duties, shall take, subscribe, and file with the secretary of state; the oath of office prescribed by the constitution ; and shall give bond to the state; ~~the commissioner of banks in the amount of \$50,000; the commissioner of insurance in the amount of \$25,000; and the commissioner of securities in the amount of \$10,000; conditioned for the faithful discharge of his duties during his continuance in office and for the payment without delay to the officer or person entitled by law thereto of all moneys which shall come into his hands by virtue thereof.~~

A majority of the commission shall constitute a quorum.

Each commissioner shall receive a salary in an amount set by the legislature payable semi-monthly, and each shall devote his entire time to the duties of his office.

Sec. 16. Minnesota Statutes 1976, Section 45.15, is amended to read:

45.15 ESTABLISHMENT OF CONSUMER SERVICES SECTION. A section of consumer services is established in the department of commerce under the supervision and control of a director of consumer services. The director of consumer services is appointed by the governor; ~~by and with the advice and consent of the senate;~~ for a four year term which shall coincide with the term of the governor and until a successor is duly appointed and qualifies. A vacancy in the office of director shall be filled for the unexpired term under the provisions of section 1.

Sec. 17. Minnesota Statutes 1976, Section 60A.03, Subdivision 1, is amended to read:

60A.03 INSURANCE COMMISSIONER. Subdivision 1. **COMMISSIONER; APPOINTMENT; TERM; VACANCY; BOND.** The commissioner of insurance shall be appointed by the governor ; ~~by and with the advice and consent of the senate;~~ for the term of six years; who shall hold office until his duly appointed successor shall have qualified. In case of a vacancy, it shall be filled for the unexpired portion of the term. Before entering upon the discharge of his duties, he shall take, subscribe, and file with the secretary of state the oath of office prescribed by the constitution, and give bond to the state, with sureties to be approved by the state treasurer, in the amount of \$25,000;

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conditioned for the faithful discharge of his duties during his continuance in office and for the payment without delay to the officer or person entitled by law thereto of all moneys which shall come into his hands by virtue thereof; under the provisions of section 1 and shall devote his entire time to the duties of his office.

Sec. 18. Minnesota Statutes 1976, Section 84.01, Subdivision 2, is amended to read:

Subd. 2. The commissioner of natural resources is appointed by the governor, by and with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and qualifies. A vacancy in the office of the commissioner shall be filled for the unexpired portion of the term under the provisions of section 1. The commissioner may appoint a deputy who shall serve at the pleasure of the commissioner in the unclassified service. The salary of such deputy is fixed by the commissioner except when otherwise expressly provided for by law. The deputy may perform and exercise every power, duty, and responsibility imposed by law upon the commissioner when authorized so to do by the commissioner.

Sec. 19. Minnesota Statutes 1976, Section 116.03, Subdivision 1, is amended to read:

116.03 **DIRECTOR.** Subdivision 1. (a) The office of director of the pollution control agency is created and is under the supervision and control of the director, who is appointed by the governor by and with the consent of the senate for a four year term, which shall coincide with the term of the governor, and until his successor is duly appointed and qualifies. The governor may remove the director at any time at his pleasure. A vacancy in the office of director shall be filled by the governor by and with the consent of the senate, for the unexpired portion of the term under the provisions of section 1.

(b) In order to expedite the establishing and functioning of the pollution control agency, the governor shall forthwith appoint an acting director, who shall have all the powers and duties of the director as provided in sections 116.01 to 116.08. The acting director may be a person in the service of the state at the time of his appointment, and who while serving as acting director is on leave of absence from his regular office or position in the state service. The acting director shall serve as such until the director is appointed and qualifies as such director. Pending the abolishment of the water pollution control commission as specified in section 116.02, subdivision 5, the director or acting director, as the case may be, is the secretary of such commission in lieu of the secretary and executive officer of the state board of health.

(e) (b) The director may appoint a deputy director and an assistant director who shall be in the unclassified service. The director may designate the deputy director to the agency to act in his stead as a member, with all his rights and privileges therein, of any agency, board, committee, or commission that the director is made a member of by law. The designation shall be filed with secretary of state. The salary of the deputy director and of the assistant director shall be provided by law.

Sec. 20. Minnesota Statutes 1976, Section 116H.03, Subdivision 2, is amended to

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read:

Subd. 2. The agency shall be under the supervision of the director who shall organize the agency and employ such other officers, agents and employees as are necessary to carry out the functions of the agency. Duties of such officers, agents and employees shall be as specified by the director.

Sec. 21. Minnesota Statutes 1976, Section 116H.03, Subdivision 3, is amended to read:

Subd. 3. The director shall be appointed by the governor with the advice and consent of the senate, to a four year term which shall coincide with the term of the governor and until his successor is duly appointed and qualified under the provisions of section 1. In appointing the director the governor should give due consideration to the listing of names submitted by the commission pursuant to section 116H.04. The director shall serve at the pleasure of the governor.

A vacancy in the office of director shall be filled by the governor and the new appointee shall immediately take office and carry out all duties until the next session of the legislature when his appointment shall be submitted to the senate for confirmation.

The director may appoint a deputy director and a personal secretary to serve at his pleasure. The salaries of the director and the deputy shall be fixed by the governor until otherwise expressly provided for by law. The deputy may be authorized by the director to perform every duty, power and responsibility imposed on the director unless expressly forbidden by law. The director and his deputy and his personal secretary shall serve in the unclassified service and shall be members of the Minnesota state retirement system.

Sec. 22. Minnesota Statutes 1976, Section 129A.02, Subdivision 2, is amended to read:

Subd. 2. **COMMISSIONER.** The commissioner is the chief executive officer of the department and is the successor to the powers and duties of the former assistant commissioner of vocational rehabilitation. The commissioner shall be appointed by the governor with the advice and consent of the senate for a four-year term which will coincide with the term of the governor and until his successor is appointed and qualifies. The commissioner may be removed by the governor for cause after notice and hearing. In case of vacancy, the governor shall appoint a commissioner who shall immediately take office and shall carry on all duties of the office until the next session of the legislature when his appointment shall be submitted to the senate for approval and serve under the provisions of section 1. The commissioner shall be a person having substantial experience in the administration and financing of vocational rehabilitation programs.

Sec. 23. Minnesota Statutes 1976, Section 174.02, Subdivision 1, is amended to read:

174.02 **COMMISSIONER; POWERS; DUTIES.** Subdivision 1. **APPOINTMENT.** The department shall be supervised and controlled by the commissioner of transportation,

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who shall be appointed by the governor with the advice and consent of the senate, for a four year term which shall coincide with the term of the governor and until his successor is appointed and qualified. The governor may remove the commissioner at any time for cause after notice and hearing unless otherwise provided for in chapter 15 and serve under the provisions of section 1.

Sec. 24. Minnesota Statutes 1976, Section 175.001, Subdivision 1, is amended to read:

175.001 DEPARTMENT OF LABOR AND INDUSTRY. Subdivision 1. CREATION AND ORGANIZATION. The department of labor and industry is created under the supervision and control of the commissioner of labor and industry which office is hereby established. The commissioner of labor and industry, who shall be in unclassified service, shall be appointed by the governor by and with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. In case of a vacancy, the governor may appoint a commissioner, who shall immediately take office and shall carry on all of the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval. On January 4, 1977, the term of the incumbent commissioner shall expire under the provisions of section 1. There shall be one deputy commissioner in the department .

Sec. 25. Minnesota Statutes 1976, Section 179.02, is amended to read:

179.02 BUREAU OF MEDIATION SERVICES. Subdivision 1. There is hereby established in the department of labor and industry a bureau of mediation services; but not in any way subject to the control of the department. This bureau shall be under the supervision and control of a director. The office of director shall, as of the effective date of this act, be filled by the person then holding the office of labor conciliator and his term shall expire as of the date his term as labor conciliator would have expired. Thereafter The director shall be appointed by the governor with the advice and consent of the senate. He shall hold office for a term of four years under the provisions of section 1.

Subd. 2. The governor may, from time to time, appoint special mediators to aid in the settlement of particular labor disputes or controversies who shall have the same power and authority as the director with respect to such dispute and such appointment shall be for the duration only of the particular dispute. Such special mediators shall be paid a per diem of \$75 per day while so engaged and their necessary expenses. The director shall prepare a roster of persons qualified to act as such special mediators and keep the same revised at all times and available to the governor and the public.

The director may employ and discharge mediators, clerks and other employees as needed, fix their compensation, and assign them their duties. As of the effective date of this act the division of conciliation, heretofore established, shall be abolished, and all of its powers and duties transferred to the bureau of mediation services. Any matters pending in or by the division of conciliation as of such date shall then and thereafter be carried on in the name of the bureau of mediation services.

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Sec. 26. Minnesota Statutes 1976, Section 196.02, Subdivision 1, is amended to read:

196.02 COMMISSIONER OF VETERANS AFFAIRS. Subdivision 1. **APPOINTMENT; QUALIFICATIONS.** The department shall be under the supervision and control of a commissioner of Veterans' Affairs who shall be appointed by the governor by and with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. The commissioner shall be in unclassified service under the provisions of section 1. No person shall be eligible to receive appointment as commissioner unless he has the following qualifications:

(1) Residence in the state of Minnesota for at least five years prior to his appointment;

(2) Citizenship in the United States;

(3) Veteran of the armed forces of the United States as defined in section 197.447. In case of a vacancy, the governor may appoint a commissioner, who shall immediately take office and shall carry on all of the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval. On January 4, 1971, the term of the incumbent commissioner shall expire.

Sec. 27. Minnesota Statutes 1976, Section 216A.06, Subdivision 1, is amended to read:

216A.06 DIRECTOR. Subdivision 1. **ESTABLISHMENT OF OFFICE, APPOINTMENT; TERM.** The office of director of the administrative division of the department of public service is hereby established. He shall be appointed by the governor with the advice and consent of the senate, for a four year term under the provisions of section 1.

Sec. 28. Minnesota Statutes 1976, Section 241.01, Subdivision 1, is amended to read:

241.01 CREATION OF DEPARTMENT. Subdivision 1. **COMMISSIONER.** The department of corrections is hereby created under the control and supervision of the commissioner of corrections which office is hereby established. The commissioner of corrections, who shall be in unclassified service, shall be selected without regard to political affiliation and shall have wide and successful administrative experience in correctional programs embodying rehabilitative concepts. The commissioner shall be appointed by the governor, by and with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. In case of a vacancy, the governor may appoint a commissioner, who shall immediately take office and shall carry on all of the duties of the office until the next session of the legislature, when his appointment shall be submitted to

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the senate for approval. ~~On January 4, 1977, the term of the incumbent commissioner shall expire under the provisions of section 1.~~

Sec. 29. Minnesota Statutes 1976, Section 241.01, Subdivision 2, is amended to read:

Subd. 2. **DIVISIONS; DEPUTIES.** The commissioner of corrections may appoint and employ no more than four ~~two~~ deputy commissioners who shall serve at the pleasure of the commissioner in the unclassified service of the state civil service. Each deputy may perform and exercise every duty, power and responsibility imposed by law upon the commissioner when authorized to so do by the commissioner. Appointments to exercise delegated power shall be by written order filed with the secretary of state. Each deputy may perform and exercise every duty, power, and responsibility imposed by law upon the commissioner when authorized so to do by the commissioner. The commissioner may also appoint a personal secretary, who shall serve at his pleasure in the unclassified civil service of the state, and fix the salary of said secretary commensurate with salaries for similar services in the classified service.

Sec. 30. Minnesota Statutes 1976, Section 245.03, is amended to read:

245.03 DEPARTMENT OF PUBLIC WELFARE ESTABLISHED; COMMISSIONER. There is hereby created and established a department of public welfare. A commissioner of public welfare shall be appointed by the governor with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. In case of a vacancy, the governor may appoint a commissioner, who shall immediately take office and shall carry on all of the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval under the provisions of section 1. The commissioner, who shall be in unclassified service, shall be selected on the basis of ability and experience in welfare and without regard to political affiliations. Subject to the provisions of sections 245.03 to 245.12 and other applicable laws, now or hereinafter enacted; The commissioner shall have the power to organize his department in such manner as he may deem necessary; and to appoint a deputy commissioner in unclassified service. He shall also appoint such other subordinate officers, employees and agents as he may deem necessary to discharge the functions of the department; and define the duties of such officers, employees and agents and to delegate to them any of his powers or duties subject to his control and under such conditions as he may prescribe. Appointments to exercise delegated powers shall be written orders filed with the secretary of state. The commissioner shall give bond in the sum of \$10,000. ~~On January 4, 1977, the term of the incumbent commissioner shall expire.~~

Sec. 31. Minnesota Statutes 1976, Section 268.12, Subdivision 1, is amended to read:

268.12 CREATION. Subdivision 1. **DEPARTMENT OF EMPLOYMENT SERVICES; COMMISSIONER.** ~~(†) There is hereby created and established a department of employment security which shall be the successor to the division of~~

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employment and security, which said division is hereby abolished as a division of the department of social security as established by Laws 1939, Article VII, Section 4. services under the control of

(2) a commissioner of employment security who shall be appointed by the governor with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified; to administer this chapter as the same may hereafter from time to time be amended. The commissioner, who shall be in unclassified service, may be removed by the governor at any time for cause after notice and hearing under the provisions of section 1. The commissioner shall be selected on the basis of ability and experience and without regard to political affiliations. In case of a vacancy, the governor may appoint a commissioner, who shall immediately take office and shall carry on all of the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval. On January 4, 1971, the term of the incumbent commissioner shall expire. Subject to the provisions of sections 268.03 to 268.24 and other applicable laws now or hereafter enacted, the commissioner shall have the power to organize his department in such manner as he may deem necessary. Appointments to exercise delegated powers shall be written orders filed with the secretary of state. The salary of the commissioner shall be prescribed by the legislature and he shall give bond in the sum of \$10,000.

(3) All proceedings, court actions, prosecutions or other business undertaken or commenced prior to April 21, 1953, by the division of employment and security and any other matters of the division of employment and security pending at the time of the passage of this act may be conducted and completed by the new department of employment security in the same manner and under the same terms and conditions and with the same effect as though it were undertaken, commenced or conducted or completed by said division of employment and security prior to such change. All functions, powers and duties of such division of employment and security are by this act assigned and transferred to the department of employment security.

(4) All the powers and duties now vested in or imposed upon the director of the division of employment and security as a division of the department of social security are hereby vested in and imposed upon the commissioner of employment security.

All of the employees of said division of employment and security are hereby transferred to the department of employment security created by this section, and said commissioner shall take charge of said employees and shall employ them in the exercise of the respective functions, powers and duties transferred as aforesaid without reduction of compensation or civil service status enjoyed by said employees at the time of such transfer, subject, however, to change or termination of employment, compensation or civil service status as may be otherwise provided by law.

(5) All other acts or parts of acts now in effect inconsistent with the provisions of this section are hereby repealed, superseded, modified or amended so far as necessary to conform to and give full force and effect to the provisions of this section.

(6) Laws 1953, Chapter 603, shall take effect and be in force from and after its

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passage; provided, that no transfer of functions, rights, powers, duties, or funds made thereby shall take effect until the commissioner of the department to whom the same are transferred shall have been appointed; taken his oath of office and filed oath and bond in the office of the secretary of state; and until then the former division or agency vested therewith shall continue to exercise and perform such functions, rights, powers, and duties, and to have charge of such funds.

Sec. 32. Minnesota Statutes 1976, Section 270.02, Subdivision 2, is amended to read:

Subd. 2. **TERMS.** The commissioner of revenue shall be appointed by the governor by and with the advice and consent of the senate for a four year term which shall coincide with the term of the governor until his successor is duly appointed and qualified under the provisions of section 1. The commissioner, who shall be in unclassified service, shall be selected on the basis of ability and experience in the field of taxation and tax administration and without regard to political affiliations. The governor may remove the commissioner at any time for cause, after notice and hearing. In case of a vacancy, the governor may appoint a commissioner, who shall take office immediately and shall carry on the duties of the office until the next session of the legislature, when his appointment is submitted to the senate for approval. The commissioner shall give bond to the state in the sum of \$200,000. The person occupying the position of commissioner of taxation on July 1, 1973, shall be designated as commissioner of revenue, and his term of office shall coincide with the term of the office of governor.

Sec. 33. Minnesota Statutes 1976, Section 270.02, Subdivision 3, is amended to read:

Subd. 3. **POWERS, ORGANIZATION, ASSISTANTS.** Subject to the provisions of this chapter and other applicable laws the commissioner shall have power to organize the department with such divisions and other agencies as he deems necessary and to appoint ~~two~~ one deputy ~~commissioners~~ commissioner, a department secretary, directors of divisions, and such other officers, employees, and agents as he may deem necessary to discharge the functions of the department, define the duties of such officers, employees, and agents, and delegate to them any of his powers or duties, subject to his control and under such conditions as he may prescribe. Appointments to exercise delegated power shall be by written order filed with the secretary of state.

Sec. 34. Minnesota Statutes 1976, Section 298.22, Subdivision 1, is amended to read:

298.22 IRON RANGE RESOURCES AND REHABILITATION. Subdivision 1. ~~On and after July 1, 1969; (1)~~ There is hereby appropriated from the general fund for the purposes hereinafter set forth, five percent of all amounts paid and credited to said fund from the proceeds of taxes paid under the provisions of sections 298.01 to 298.21.

(2) The office of commissioner of iron range resources and rehabilitation is hereby created. The commissioner shall be appointed by the governor; with the advice and consent of the senate for a four year term which shall coincide with the term of the

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governor until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. In case of a vacancy, the governor may appoint a commissioner, who shall take office immediately and shall carry on the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval under the provisions of section 1.

(3) The salary of the commissioner, who shall be in unclassified service, shall be paid from the amounts appropriated by this section; provided, that such salary shall be reduced by such amount as he may receive from other funds, and the commissioner may hold such other positions or appointments as are not incompatible with his duties as commissioner of iron range resources and rehabilitation. The commissioner may appoint a deputy commissioner who shall serve in the unclassified service at the pleasure of the commissioner. All expenses of the commissioner, including the payment of such assistance as may be necessary, shall be paid out of the amounts appropriated by this section.

(4) When the commissioner shall determine that distress and unemployment exists or may exist in the future in any county by reason of the removal of natural resources or a possibly limited use thereof in the future and the decrease in employment resulting therefrom, now or hereafter, he may use such amounts of the appropriation made to him in this section as he may determine to be necessary and proper in the development of the remaining resources of said county and in the vocational training and rehabilitation of its residents. For the purposes of this section, "development of remaining resources" includes, but is not limited to, the promotion of tourism.

Sec. 35. Minnesota Statutes 1976, Section 299A.01, Subdivision 1, is amended to read:

299A.01 DEPARTMENT OF PUBLIC SAFETY; CREATION AND ORGANIZATION. Subdivision 1. ~~In order that the functions and services of the state of Minnesota relating to the safety and convenience of its citizens might be coordinated and directed in an accessible, identifiable manner; and to promote and insure the existing public safety operations of that government;~~ The department of public safety is created under the supervision and control of the commissioner of public safety, which office is established. The commissioner of public safety is appointed by the governor, by and with the advice and consent of the senate for four year term. The governor may remove the commissioner only for cause, after a public hearing. A vacancy in the office of the commissioner shall be filled for the unexpired portion of the term under the provisions of section 1. The commissioner may appoint a deputy who shall serve at the pleasure of the commissioner in the unclassified service. The salary of such deputy is fixed by the commissioner except when otherwise expressly provided for by law. The deputy may perform and exercise every power, duty, and responsibility imposed by law upon the commissioner when authorized so to do by the commissioner.

Sec. 36. Minnesota Statutes 1976, Section 299A.01, Subdivision 2, is amended to read:

Subd. 2. ~~The duties of the deputy commissioner shall include, in addition to such~~
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other functions and responsibilities as may be delegated or assigned by the commissioner or imposed by law; the following: (a) The coordination, development and maintenance of services contracts with existing state departments and agencies assuring the efficient and economic use of advanced business machinery including computers;

(b) The execution of contracts and agreements with existing state departments for the maintenance and servicing of vehicles and communications equipment, and the use of related buildings and grounds;

(c) The development of integrated fiscal services for all divisions, and the preparation of an integrated budget for the department;

(d) The establishment of a planning bureau within the department, which bureau shall consult and coordinate its activities with the state planning director.

Sec. 37. Minnesota Statutes 1976, Section 362.09, Subdivision 1, is amended to read:

362.09 COMMISSIONER; ADVISORY COMMITTEE. Subdivision 1. The department shall be under the supervision and control of a commissioner of economic development; ~~in unclassified service, who shall be appointed by the governor ; by and with the advice and consent of the senate for a term of four years to coincide with that of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing under the provisions of section 1.~~ He shall be chosen with regard to his knowledge, training, experience, and ability in administering the functions of the department. In ease of a vacancy, the governor may appoint a commissioner who shall thereupon immediately take office and shall carry on all the duties of the office until the next session of the legislature; when his appointment shall be submitted to the senate for approval. The commissioner shall receive a salary as provided by law. He shall give a bond to the state in the sum of \$40,000. On January 4, 1971, the term of the incumbent commissioner shall expire.

The commissioner shall appoint a deputy; ~~fix his salary unless otherwise prescribed by law and define his duties. The deputy shall enjoy a confidential relationship with the commissioner and is in the unclassified service of the state commissioner.~~

Sec. 38. Minnesota Statutes 1976, Section 363.04, Subdivision 1, is amended to read:

363.04 DEPARTMENT OF HUMAN RIGHTS. Subdivision 1. **CREATION; COMMISSIONER.** There is hereby established at the seat of government an executive a department to be known as the department of human rights. There shall be at the head of the department under the direction and supervision of a commissioner of human rights, who shall be appointed by the governor; ~~by and with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. In ease of a vacancy, the governor may appoint a commissioner, who shall immediately take office and shall carry~~

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on all of the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval. On January 4, 1971, the term of the incumbent commissioner shall expire. The department shall be administered under the supervision and direction of the commissioner, who shall be in unclassified service, and shall receive compensation at the rate prescribed by law under the provisions of section 1.

Sec. 39. Minnesota Statutes 1976, Chapter 144, is amended by adding a section to read:

[144.01] DEPARTMENT OF HEALTH. Subdivision 1. COMMISSIONER. The department of health shall be under the control and supervision of the commissioner of health who shall be appointed by the governor under the provisions of section 1. The state board of health is abolished and all powers and duties of the board are transferred to the commissioner of health. The commissioner shall be selected without regard to political affiliation but with regard to ability and experience in matters of public health.

Subd. 2. STATE HEALTH ADVISORY COUNCIL. The state health advisory council is hereby created to consist of 15 members appointed by the governor. Nine members of the council shall be broadly representative of the licensed health professions and six members shall be public members as defined by section 214.02. The council and its members shall be governed by the provisions of section 15.059. The governor shall designate a chairman of the council and such other officers as he deems necessary. The council shall advise the commissioner of health on any matter relating to the functions of the department.

Sec. 40. Minnesota Statutes 1976, Section 121.09, is amended to read:

121.09 ADMINISTRATION; EXCEPTIONS. The state board commissioner shall administer all laws and rules promulgated by the board relating to the commissioner, libraries; and other public educational institutions, except such laws as may relate to the university of Minnesota and to the state universities and community colleges.

Sec. 41. Minnesota Statutes 1976, Section 121.16, Subdivision 1, is amended to read:

121.16 COMMISSIONER OF EDUCATION. Subdivision 1. The state board shall elect a The department shall be under the administrative control of the commissioner who of education which office is established. The commissioner shall be the executive officer and secretary of the state board and whose term of office shall be four years. He shall be appointed by the state board with the approval of the governor under the provisions of section 1. For purposes of section 1, the board shall be the appointing authority.

He The commissioner shall be a person who possesses educational attainment and breadth of experience in the administration of public education and of the finances pertaining thereto commensurate with the spirit and intent of this code. The commissioner shall have authority to nominate, for approval by the state board, such officials and appoint employees as may be necessary to perfect and to maintain for the organization of

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the department as recommended by him and as adopted by the state board. He shall perform such duties as the law and the rules of the state board may provide and be held responsible for the efficient administration and discipline of the various offices and division in the organization of the department. He shall be required to make recommendations to the state board which shall facilitate all of the work of the state board, and he shall be charged with the execution of powers and duties which the state board may prescribe, from time to time, to promote public education in the state, to safeguard the finances pertaining thereto, and to enable the state board to carry out the provisions of this code its duties.

Sec. 42. Minnesota Statutes 1976, Section 462A.04, Subdivision 8, is amended to read:

Subd. 8. The agency shall employ an executive director, legal and technical experts and such other officers; agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation be under the administrative control of an executive director which office is established. He shall be appointed by the governor under the provisions of section 1.

The executive director may appoint a deputy director. The executive director may further appoint such permanent and temporary employees as he deems necessary subject to the approval of the commissioner of personnel. The agency may delegate to one or more of its agents or employees such powers or duties as it might deem proper. All permanent employees of the agency, except the executive director, deputy director, and five additional positions reporting directly to the director are in the classified civil service of the state. The five additional unclassified positions permitted by this subdivision shall only be filled in the manner and pursuant to the procedures and conditions specified in section 43.09, subdivision 2a; provided, that no additional deputy commissioner positions may be created.

Sec. 43. Minnesota Statutes 1976, Section 473.141, Subdivision 7, as amended by Laws 1977, Chapter 35, Section 7, is amended to read:

Subd. 7. **COMPENSATION.** Each commission member shall be paid a per diem compensation of \$50 for each meeting and for such other services as authorized by the commission, and shall be reimbursed for all actual and necessary expenses incurred in the performance of his duties in the same manner and amount as state employees. The chairman shall receive a salary in an amount fixed by ~~the members of the commission~~ section 15A.081 and shall be reimbursed for reasonable expenses to the same extent as a member; provided that the chairman of the metropolitan sports facilities commission shall receive, unless otherwise provided by other law, a salary in an amount fixed by the members of the commission and shall be reimbursed for reasonable expenses to the same extent as a member.

Sec. 44. **TEMPORARY PROVISIONS.** The term of any department head or commissioner dealt with in this act shall expire the first Monday in January 1979, unless Minnesota Statutes provide for an earlier expiration date. In this event, the new appointment shall be made so as to expire the first Monday of January 1979.

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Any department head or commissioner dealt with in this act and serving on the effective date of this act is deemed to have been appointed in compliance with the provisions of this act.

If any position which currently bears the title of deputy loses this title pursuant to section 1, subdivision 7, or any other provision of this act, the commissioner of personnel shall assign a new title. If the position is currently in the unclassified civil service, it shall remain in the unclassified civil service, and a person who loses the title of deputy commissioner shall receive, beginning with the first day of the first payroll period after July 1, 1977, the salary he would be entitled to on that date, if his title were to remain deputy commissioner. In the event that authorized, unclassified deputy positions are not filled, the department head or commissioner may fill these positions but only as permitted by applicable personnel complement limitations. Persons who are deputy commissioners and are in the classified service in departments or agencies affected by this act shall be entitled to the benefits and protections available to persons whose positions are declassified pursuant to section 43.09, subdivision 2a.

Sec. 45. INSTRUCTION TO REVISOR. The revisor of statutes shall eliminate from the statutes any reference to the "secretary" or "executive officer" of the board of health or any similar title with this meaning, and shall substitute "commissioner" or "commissioner of health" as appropriate.

The revisor shall eliminate from the statutes any reference to "board of health" and shall insert in lieu thereof as appropriate "commissioner of health" or "commissioner".

The revisor shall eliminate from the statutes, except as may be provided in this act, any reference to "deputy commissioner" in the department of labor and industry and shall insert in lieu thereof as appropriate "commissioner of labor and industry" or "commissioner".

Sec. 46. REPEALER. Minnesota Statutes 1976, Sections 16.13; 121.07; 121.08; 121.10; 121.16, Subdivision 2; 144.01; 144.02; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2, are repealed.

Sec. 47. EFFECTIVE DATE. This act shall be effective the day following its final enactment.

Approved May 27, 1977.

CHAPTER 306—S.F.No.120

[Coded in Part]

An act relating to education; establishing pilot transitional bilingual education programs; granting certain powers and duties to the state board of education; establishing a state bilingual education advisory task force; appropriating money; amending Minnesota Statutes 1976, Sections 120.095, by adding a subdivision; 120.10, Subdivision 2; and 126.07.

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