

**STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
REORGANIZATION ORDER NO. 181**

Pursuant to Minnesota Statutes 1998, section 16B.37, the following administrative reorganization is made with the prior approval of the Governor.

To improve efficiency and avoid duplication in the operation of state government, the functions, personnel, powers, responsibilities, and duties of the Department of Public Service Telecommunications and Energy Divisions are hereby transferred to the Department of Commerce. All of the statutory powers, responsibilities and duties of the Department of Public Service and its Commissioner under Minnesota statutes relating to the Department of Public Service's telecommunications and energy functions, including but not limited to Chapters 216A-C (Public Utilities) and 237 (Telecommunications), are transferred to the Department of Commerce and its Commissioner. This order transfers all of the administrative, regulatory, recordkeeping, investigative, rulemaking, and enforcement powers heretofore possessed by the Telecommunications and Energy Divisions of the Department of Public Service to the Department of Commerce.

In addition, the powers, responsibilities and duties vested in the Energy and Telecommunications Divisions of the Department of Public Service, or in its Commissioner, by virtue of Minnesota Statutes contained in Chapters other than 216A-C, 237, and 239, are transferred to the Department of Commerce including, but not limited to, the powers, responsibilities and duties vested by the following Minnesota Statutes sections: Minnesota Statutes sections 16B.165 (building code rulemaking); 16B.32 (duty to consult with Commissioner of Administration on shared-savings energy programs for state-owned buildings); 16B.176 (membership on Construction Codes Advisory Council); 17.86 (cooperation in disseminating information from tree research); 18.024 (duty to consult with Departments of Agriculture and Natural Resources on use of diseased wood); 103F.325 (review and comment on management plans for wild and scenic rivers); 116C.03 (membership on Environmental Quality Board); 123B.65 (review energy efficiency project reports for Boards of Common School Districts); 160.262 (advise on model standards for bicycle and recreational vehicle lanes); 169.073 (power to forbid placement of lights which contribute traffic hazards); 272.0211 (determine electric power generation efficiency of facilities for use by Commissioner of Revenue in tax assessments); and 446A.21 (duty to certify to Minnesota Public Facilities Authority energy-efficiency of cooling system projects and to conduct rulemaking).

This order does not transfer any of the powers, responsibilities and duties of the Weights and Measures Division of the Department of Public Service nor of the Commissioner of the Department of Public Service in his capacity as Commissioner over the Weights and Measures Division. In addition to retaining its powers, responsibilities and duties under Chapter 239, the Weights and Measures Division of the Department of Public Service retains all other powers, responsibilities and duties assigned it by other chapters of Minnesota Statutes. These powers, responsibilities and duties include, but are not limited to, those set out in Minnesota Statutes section 296A.02 (assist in enforcement and administration of excise taxes on petroleum and other fuels) and 325E.115 (enforce various duties on sellers of lead acid batteries).

Consistent with this transfer of powers, responsibilities and duties, all classified and unclassified positions associated with the transferred powers, responsibilities and duties are also transferred from the Department of Public Service to the Department of Commerce. Every incumbent holder of a transferred position in the Department of Public Service shall also transfer, with all accrued benefits, and without reduction of benefits or salary, to the Department of Commerce. The approved complement for the Department of Public Service is decreased and the approved complement for the Department of Commerce is increased accordingly. Nothing in this order shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the managerial or commissioner's plans 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.

The Department of Public Service shall give to the Commissioner of Commerce all accounts, contracts, books, maps, plans, papers, records, documents, supplies, and equipment relating to the transferred powers, responsibilities and duties within its jurisdiction or control, and the Commissioner of Commerce shall accept the material presented.

Rulemaking authority for the Department of Public Service relating to the transferred power, responsibilities and duties is transferred to the Department of Commerce. All rules in force, adopted, issued, or promulgated by the Department of Public Service pursuant to the transferred powers, responsibilities and duties remain in effect until amended or repealed in accordance with law.

The Commissioner of the Department of Commerce is the legal successor in all respects of the Department of Public Service in regard to the transferred powers, responsibilities and duties. The bonds, resolutions, contracts, assets, and liabilities of the Department of Public Service relating to the powers, responsibilities and duties transferred become the bonds, resolutions, contracts, assets, and liabilities of the Commissioner of the Department of Commerce.

Any proceeding, including any proceeding before the Minnesota Public Utilities Commission, the Federal Communications Commission and the Federal Energy Regulatory Commission, court action, prosecution, or other business or matter pending on the effective date of the transfer may be conducted and completed by the Commissioner of Commerce 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 Department of Public Service prior to the transfer.

The Commissioner of Finance shall make the necessary financial determinations in accordance with Minnesota Statutes 1998, section 16B.37, subdivision 3. The unexpended balance of any appropriation to the Department of Public Service for the purposes of any powers, responsibilities or duties that are transferred hereunder are reappropriated to the Department of Commerce under the same conditions as the original appropriation to the Department of Public Service.

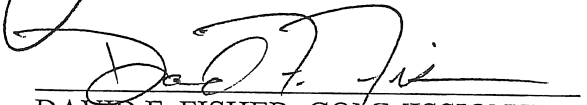
In accordance with Minnesota Statutes 1998, section 16B.37, subdivision 2, this Order is effective upon filing with the Secretary of State and shall remain in effect until amended or superseded.

APPROVED:



JESSE VENTURA, GOVERNOR


8-16-99
Date



DAVID F. FISHER, COMMISSIONER
DEPARTMENT OF ADMINISTRATION

8-16-99
Date

Filed According to Law:



MARY KIFFMEYER
SECRETARY OF STATE

9-16-99
Date

