

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
REORGANIZATION ORDER NO. 190

Pursuant to Minnesota Statutes, Section 16B.37 (2002), the following administrative reorganization is made with the prior approval of the Governor.

In order to improve efficiency and avoid duplication in the operation of state government, the following programs are transferred as set forth below. The reorganization of these programs between state departments will consolidate programs within departments, focus departments on their core mission and provide for more efficient delivery of services from state government.

The Department of Education¹ shall transfer to the Department of Veterans Affairs all functions, programs, personnel, powers, responsibilities and duties for veterans training programs under Minnesota Statutes Section 124D.97 (2002) and Minnesota Statutes, Section 197.78 (2002). Pursuant to this order, the Department of Veterans Affairs will be the state approving agency for certification and approval of Minnesota educational institutions and training programs for veterans and other eligible persons in accordance with the applicable standards and provisions set forth under United States Code, title 38, chapters 30, 32, 34, 35 and 36 and United States Code, title 10, chapter 1606 and the corresponding federal regulations.

The Commissioner of Education and the Commissioner of Veterans Affairs will take all necessary actions to provide for the prompt and orderly transition of programs and services under this order.

The responsibilities that the Department of Education and the Commissioner of Education have over the transferred programs are transferred to the Department of Veterans Affairs and the Commissioner of Veterans Affairs. As used in this order, "responsibilities" includes powers, duties, rights, obligations, and other authority imposed by law.

All classified and unclassified positions associated with the responsibilities being transferred are transferred with their incumbents to the Department of Veterans Affairs. Nothing in this order shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the managerial or commissioner's plan under Minnesota Statutes, Section 43A.18 (2002), 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 Education shall give the Department of Veterans Affairs all contracts, books, maps, plans, papers, records, supplies, property and equipment relating to the transferred programs and responsibilities.

All rules adopted by the Department of Education pursuant to the transferred responsibilities remain effective and shall be enforced until amended or repealed in accordance

¹ The Department of Children, Families and Learning was renamed the Department of Education. 2003 Minn. Laws. Ch. 130.

with law by the Department of Veterans Affairs. All rulemaking authority that existed to implement the responsibilities that are being transferred is transferred to the Commissioner of Veterans Affairs and Department of Veterans Affairs.

The Department of Veterans Affairs is the legal successor in all respects of the Department of Education in regard to the transferred responsibilities. The bonds, resolutions, contracts and liabilities of the Department of Education in relation to the transferred responsibilities become the bonds, resolutions, contracts and liabilities of the Department of Veterans Affairs.

Any proceeding, court action, prosecution, or other business or matter pending on the effective date of the transfer may be conducted and completed by the Department of Veterans Affairs 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 prior to the transfer from the Department of Education.

The Commissioner of Finance shall make the necessary financial determinations in accordance with Minnesota Statutes, Section 16B.37, Subdivision 3 (2002). The unexpended balance of any appropriation related to the programs and responsibilities that are transferred herein are reappropriated to the Department of Veterans Affairs under the same conditions as the original appropriation effective on the date of the transfer of responsibilities.

Pursuant to Minnesota Statutes, Section 16B.37, Subdivision 2 (2002), copies of this order were submitted to the chairs of the Governmental Operations committees in the House of Representatives and the Senate at least 30 days before the order was filed with the Secretary of State.

In accordance with Minnesota Statutes, Section 16B.37, Subdivision 2 (2002), this order is effective upon filing with the Secretary of State and shall remain in effect until amended, repealed or superseded.

APPROVED:

Timothy J. Pawlenty, Governor

Brian Lamb, Commissioner
Department of Administration

FILED ACCORDING TO LAW:

Mary Kiffmeyer, Secretary of State

11/25/03
Date

11/25/03
Date

12/31/03
Date

