

**STATE OF MINNESOTA DEPARTMENT OF ADMINISTRATION REORGANIZATION ORDER NO. 193 -- April 4, 2005**

Pursuant to Minnesota Statutes 2004, section 16B.37, 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, programs and services related to the construction and building code licenses and regulation are being consolidated in the Department of Labor and Industry. This reorganization will consolidate programs within one department and provide for more efficient delivery of state government services.

To achieve these results, the responsibilities set forth below are transferred to the Department of Labor and Industry. As used in this order, the term "responsibilities" includes all powers, duties, rights, obligations, and authority imposed by law.

1. The responsibilities of the Department of Administration in relation to State Building Codes and Standards as set forth in Minnesota Statutes 2004, sections 16B.59 through 16B.76, 327.20, subdivision 1(5), 327.205, 327B.01 through 327B.12, and 327.31 through 327.36 are transferred to the Department of Labor and Industry.

2. The responsibilities of the Department of Health in relation to the plumbers, water conditioning contractors, and installers as set forth in Minnesota Statutes 2004, sections 16B.61, 31.175, 1031.621, 144.99 through 144.993, 325F.75, 326.37 through 326.45, 326.57 through 326.65, and 327.20 are transferred to the Department of Labor and Industry.

3. The responsibilities of the Board of Electricity as set forth in Minnesota Statutes 2004, sections 16B.61 and 326.241 through 326.248 are transferred to the Department of Labor and Industry. The members of the Board shall remain to provide advice to the Commissioner of Labor and Industry on issues regarding the electrical code and other transferred powers.

4. The responsibilities of the Department of Commerce as set forth in Minnesota Statutes 2004, sections 326.83 through 326.992, and Chapter 327A in relation to Residential Contractors and Remodelers are transferred to the Department of Labor and Industry.

5. The responsibilities of the Fire Marshal as set forth in Minnesota Statutes 2004, Chapters 299F and 299G shall remain with the Department of Public Safety, with the following exceptions:

a) The Department of Labor and Industry, in consultation with the Fire Marshal, shall assume the responsibilities for carrying out the rulemaking procedures and promulgating a Uniform Fire Code as set forth in Minnesota Statutes 2004, section 299F.011.

b) The Fire Marshal shall work with the Department of Labor and Industry in determining areas for improved efficiencies through coordination of services, use of technology, and delivery of services to licensees, contractors, and the public.

The Commissioner of Public Safety, the Commissioner of Administration, the Commissioner of Health, the executive director for the Board of Electricity, and the Commissioner of Labor and Industry shall take all necessary actions to provide for the prompt and orderly transition of responsibilities under this order.

Consistent with this transfer of responsibilities, all affected classified and unclassified employees, with all accrued benefits, are transferred to the Department of Labor and Industry. 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 2004, 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 transferring agencies shall give the Department of Labor and Industry all contracts, books, maps, plans, papers, records, supplies, and equipment relating to the transferred responsibilities.

Rulemaking authority formerly granted to the transferring agencies is transferred to the Commissioner of Labor and Industry. All rules adopted by the Department of Administration, the Department of Health, the Department of Public Safety, and the Board of Electricity pursuant to the transferred functions, powers, and duties remain in effect and shall be enforced until amended or repealed in accordance with law by the Department of Labor and Industry.

The Department of Labor and Industry is the legal successor in all respects of the transferring agencies in regard to the reassigned responsibilities. The bonds, resolutions, contracts, and liabilities of the transferring agencies in relation to the reassigned functions, powers, and duties become the bonds, resolutions, contracts, and liabilities of the Department of Labor and Industry.

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 Labor and Industry in the same manner under the same terms and conditions and with the same effect as though it involved or was commenced or completed prior to the transfer.

The Commissioner of Finance shall make the necessary financial determinations in accordance with Minnesota Statutes 2004, section 16B.37,

subdivision 3. The unexpended balance of any appropriation related to the programs, powers, functions, or duties that are transferred herein are reappropriated to the receiving agency under the same conditions as the original appropriation.

Pursuant to Minnesota Statutes 2004, Section 16B.37, subdivision 2, copies of this order were submitted to the chairs of the Governmental Operations Committee 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 2004, section 16B.37, subdivision 2, this order is effective upon filing with the Secretary of State and shall remain in effect until amended, repealed, or superseded.