

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
REORGANIZATION ORDER NUMBER 140

Pursuant to Minnesota Statutes Section 16B.37 the following reorganization order is made with the prior approval of the Governor.

This reorganization order is made to improve the efficiency of state government and to provide a more integrated program of energy services to the citizens of Minnesota, by transferring the Energy Division (as defined in Minn. Stat. Section 116J.01, Subd. 3) of the Minnesota Department of Energy and Economic Development (DEED) to the Minnesota Department of Public Service (DPS). This transfer includes all the statutory duties, obligations, and authority now vested in DEED as enumerated herein. This reorganization order does not transfer all or substantially all of the powers, duties, or personnel of DEED.

The duties, obligations, power, tasks, functions, programs, and authority now given by Minn. Stat. Section 116J.04 through 116J.381, Section 325F.19 through 325F.24, and Section 13.68 to DEED, including the authority to enforce, maintain, alter, amend, rescind, and vary all rules issued by DEED or any predecessor agency under those sections of the law, are hereby transferred to DPS.

The following Statutes which specify duties, powers, tasks and programs, are hereby transferred in their entirety from DEED to DPS.

- Section 116J.04 Energy Policy Development Task Force - DPS
- Section 116J.05 Findings and Purpose - DPS
- Section 116J.06 Definitions - DPS
- Section 116J.07 Conflict of Interest - DPS
- Section 116J.08 Jurisdiction - DPS
- Section 116J.09 Duties - DPS
- Section 116J.10 Powers - DPS
- Section 116J.11 Energy Conservation Information Center - DPS
- Section 116J.12 Energy Conservation Publicity - DPS
- Section 116J.13 Post Secondary Education - DPS
- Section 116J.14 Community Energy Planning: Grants - DPS

Section 116J.15 Energy Supply Emergency Conservation and Allocation Plan - DPS

Section 116J.16 State Set-Aside Program - DPS

Section 116J.17 Forecasts, Statistics and Information - DPS

Section 116J.18 State Energy Policy and Conservation Report - DPS

Section 116J.19 Energy Conservation - DPS

Section 116J.20 Energy Conservation Standards in Certain Public Buildings -DPS

Section 116J.21 Energy Conservation in State Owned Buildings - DPS

Section 116J.22 Energy Conservation in University Buildings - DPS

Section 116J.23 Local Government Surveys and Fuel Cost Estimates - DPS

Section 116J.24 Public School Building Energy Reports and Audits - DPS

Section 116J.25 Solar Energy System Standards of Performance - DPS

Section 116J.26 Review of Energy Research and Demonstration Projects - DPS

Section 116J.261 Alternative Energy Engineering Activity - DPS

Section 116J.262 Optimal Low-Income Weatherization - DPS

Section 116J.27 Energy Conservation Standards for Existing Residences - DPS

Section 116J.29 Supoena Power - DPS

Section 116J.30 Enforcement Penalties - DPS

Section 116J.31 Energy Audits - DPS

Section 116J.315 Alternative Energy Economic Analysis - DPS

Section 116J.32 Energy Efficient Building Education - DPS

Section 116J.33 Minnesota Biomass Center - DPS

Section 116J.34 Money for Schools and Governing Bodies - DPS

Section 116J.35 Priorities for Funding - DPS

Section 116J.36 District Heating and Qualified Energy Improvement Loans - DPS

The powers and duties of both the Commissioner of DEED and the energy and economic development authority in this section are transferred to DPS.

Section 116J.37 Energy Conservation Investment Loans - DPS

The powers and duties of both the Commissioner of DEED and the Minnesota energy authority in this section are transferred to DPS.

Section 116J.373 Superinsulated Home Demonstration Project - DPS

Section 116J.38 Building Energy Research Center -DPS

Section 116J.381 Community Energy Program - DPS

Section 325F.19 Home Insulation; Consumer Protection: Definitions - DPS

Section 325F.20 Specifications for the Manufacture, Handling, Labeling and Installation of Insulation - DPS

Section 325F.21 Testing of Insulation - DPS

Section 325F.22 Unfair and Deceptive Advertising Practices - DPS

Section 325F.23 Marking, Labeling and Consumer Information - DPS

Section 325F.24 Enforcement; Penalties - DPS

Section 13.68 Energy and Financial Data and Statistics- DPS

All power and authority set forth in Minn. Stat. Section 116J.035 remain with the Commissioner of DEED except as specified below:

The power to apply for, receive, and expend money from municipal, county, regional, and other government agencies for the purposes of Sections 116J.04 through 116J.381 is hereby transferred from DEED to DPS.

The power to apply for, accept, and disburse grants and other aids from other public or private sources for the purposes of Sections 116J.04 through 116J.381 is hereby transferred from DEED to DPS.

The power to contract for professional services for energy related purposes if such work or services cannot be satisfactorily performed by employees of the department or by any other state agency is hereby transferred from DEED to DPS.

The power to enter into interstate compacts to jointly carry out energy related research and planning with other states or the federal government where appropriate is hereby transferred from DEED to DPS.

The power to distribute energy related informational material at no cost to the public upon reasonable request within the meaning of Section 116J.035 Subd. 1(e) is hereby transferred from DEED to DPS.

The power to enter into contracts necessary for the performance of the duties transferred by this order, with federal, state, regional, metropolitan, local, and other agencies or units of governments and educational institutions, including the University of Minnesota, is hereby transferred from DEED to DPS. Contracts made for such purposes shall not be subject to the competitive bidding requirements of chapter 16.

The power to apply for, receive, and expend money made available from federal or to other sources for the purpose of carrying out the duties and responsibilities transferred by this order is hereby transferred from DEED to DPS.

All moneys received by the director of DPS pursuant to Sections 116J.04 through 116J.381 shall be deposited in the state treasury and are appropriated to the director of DPS for the purpose for which the moneys have been received. The money shall not cancel and shall be available until expended.

The power to adopt rules pursuant to chapter 14 as necessary to carry out the duties and responsibilities pursuant to Sections 116J.04 through 116J.381, is hereby transferred from DEED to DPS.

The authority to apply for, receive and administer all federal energy programs and funds other than the crisis fuel assistance and low income weatherization program, which are under the Department of Jobs and Training, is transferred from DEED to DPS.

The authority to apply for, receive, disperse and administer money resulting from litigation or settlements of alleged violations of federal petroleum pricing regulations, is transferred from DEED to DPS.

All rulemakings in progress and the authority to make future rules with regard to the Statutes transferred by this order, are also transferred from DEED to DPS. They include rulemaking regarding Insulation Standards published in the State Register on May 12, 1986; Rental Standards published in the State Register on May 5, 1986, and Community Energy Initiatives published in the State Register on November 10, 1986.

The funding, programs and complement provided through the Legislative Commission on Minnesota Resources to DEED for the Biomass

Cash Crop Project and the Demonstration Project for Heat Extraction from Groundwater for Public Buildings, are hereby transferred to DPS.

All pending obligations of DEED in regard to the above transfers, including but not limited to contracts, grants, interagency agreements and rulemaking, are hereby transferred to DPS.

Consistent with this transfer of authority the legislative complement of the Department of Energy and Economic Development is decreased by, and the legislative complement of the Department of Public Service is increased by, 38.25 General Fund positions, 33.5 Federal Fund positions, and 1.0 Minnesota Resources Fund position. The following existing positions and their incumbents are transferred to the Department of Public Service with all accrued rights and benefits:

<u>Position Number</u>	<u>Classification</u>	<u>Incumbent</u>
590370	Asst. Commissioner, EED	Vacant
213930	Clerk Typist 2	Nancy Finch
188940	Clerk Typist 2 (.50)	Dianne Brown
187020	Clerk Typist 2	Caren Warner
157570	Clerk Typist 2	Elizabeth Zabel
185430	Clerk Typist 3 (.90)	Marlene Odeen
187130	Clerk Typist 3	Norma Riley
117630	Clerk Typist 4	Debra Ellis
591990	Clerk Typist 4	Jeanette Roesler
592190	Clerk Typist 4	Joye Weaver (.50) Cheryl Bauer (.50) on leave Helen Swanson (.50) temp.
154010	Data Entry Operator Sr.	Judy Schmidt
590800	Deputy Commissioner	Marsha Battles-Jenks
122610	EDP Programmer/Analyst	William Owens
183690	Energy Specialist 1	Mary Turner
136610	Energy Specialist 2	Dennis Devereaux
146470	Energy Specialist 2	Chris Gilchrist
140930	Energy Specialist 2	John O'Neal
120340	Energy Specialist 2	Phil Smith
191000	Energy Specialist 2	Stephen Youlan
210700	Engineer 1 Graduate (Mech.)	Brian Noma
183700	Engineer 1 Graduate (Mech.)	Margaret Bishop
183710	Engineer 2 Graduate (Mech.)	Brian Pierzina
135300	Engineer Senior (Mech.)	John Dunlop
188920	Engineer Senior (Energy)	Marion Kloster
019470	Engineer Senior (Mech.)	Bruce Nelson
186820	Engineer Senior (Mech.)	Narvel Somdahl
599310	Engineering Specialist (Ener. Tech.)	Richard Huelskamp
176040	Engineering Specialist	Richard Korinek
185840	Engineering Specialist Sr.	Paul Helgeson
120400	Information Officer 2	John Mikes
143160	Management Analyst 4	Greg Hubinger

<u>Position Number</u>	<u>Classification</u>	<u>Incumbent</u>
136490	Planner Senior Community (Comm. Dev.)	Thomas Helgeson
157890	Planner Senior State (Energy)	Daniel Flaherty
130470	Planner Senior State (Energy)	Lowell Johnson
121950	Planner Senior State (Energy)	Susan Moore
183950	Planning Grants Analyst	Susan Strate
146500	Planning Grants Analyst Inter.	Claudia Anderson
183730	Planning Grants Analyst Inter.	Jeremy deFiebre
183720	Planning Grants Analyst Inter.	M. Pat Haney
184210	Planning Grants Supervisor	Barbara Barghini
142710	Planning Supervisor State (Energy)	Vacant
065390	Planning Supervisor State (Energy)	Mark Schoenbaum
192020	Research Analyst Specialist	Susan Hamper
186000	Research Analyst Spec. Sr.	James Idzorek
183960	Research Analyst Inter.	Naty Borge
130460	Research Analyst Supervisor	Michael Roelofs
120300	Municipal Energy Finance Dir.	Vacant
145750	Research Scientist 2 (Econ Anal)	Vacant
019460	Research Scientist 2 (Energy)	Arthur Adiarte
176550	Research Scientist 2 (Engy Tech)	Mary Fagerson
189180	Research Scientist Supv 1 (Engy Tech)	William Grant
142690	Clerk Typist 2	Roxanne Burback-Colby
192770	Accounting Clerk Sr.	Vacant
140920	Research Analyst	Steve Gustafson
140910	Research Analysis Specialist	Greg Holman
593930	Librarian	Galina Bykova
160630	Planning Grants Analyst, Sr.	Mary Lesch-Gormley

The following non-complement positions and incumbents are also transferred:

<u>Position Number</u>	<u>Classification</u>	<u>Incumbent</u>
928350	Intern	Diane Reader
927730	Student Worker Para Prof	Kim Johannessen
996760	Student Worker Para Prof Sr	Vacant
993740	Student Worker Para Prof Sr	Vacant
944870	Student Worker Para Prof Sr	Jan Ubelhode-Moen
994030	Student Worker Para Prof Sr	Tim Nolan
999940	Student Worker Para Prof Sr	Vacant
943650	Student Worker Para Prof Sr	Pedro Sibal
927890	Student Worker Para Prof Sr	Vacant

Under prior law the Commissioner of DEED or the commissioner's designee served on a number of State boards, commissions and task forces or is obligated to perform certain duties. The following assignments are made to specify whether the Director of DPS or the Commissioner of DEED shall serve on those boards, commissions or task forces, and perform those duties.

- Section 16B.56
Subd. 1 Commuter Vans - DPS
- Section 18.023
Subd. 11 Shade Tree Disease Control - DPS and DEED
- Section 18.024 Diseased Shade Tree Utilization - DPS and DEED
- Section 3.922 Indian Affairs Council - DEED
- Section 41A.02 Agricultural Resource Loan Guaranty Program - DEED
- Section 15.057 Publicity Representatives - DEED
- Section 105.484 Lake Improvements; Grants in Aid; Priorities - DEED
- Section 92.35 Land Use Classification - DEED
- Section 104.35 Wild and Scenic Rivers Act - DPS and DEED
- Section 126.111 Environmental Conservation Education - DPS
- Section 115A.15 State Government Resource Recovery - DPS
- Section 115A.12
Subd. 2 Waste Management Board - DPS and DEED
- Section 174.03
Subd. 7 Duties of Transportation Commissioner - DPS

Any grant agreements or other contractual arrangements relating to the transferred programs shall be amended to reflect the change in responsible state agency.

DPS shall have continued use of and access to all equipment, furnishings, supplies and leased space. Ultimate transfer will be made as agreed by the Commissioner of Energy and Economic Development and the Director of Public Service.

The Director of Public Service may continue to utilize existing services and facilities of the Department of Energy and Economic Development and be billed, according to actual use, in accordance with a plan approved by the Commissioner of Finance under Minnesota Statutes 1984, Section 16B.37, subdivision 3.

The Commissioner of Finance shall make the necessary financial determinations in accordance with Minnesota Statutes Section 16B.37 Subdivision 3.

Through the end of Fiscal year 1987 Federal energy funds that are used for positions retained by DEED, shall remain with DEED. Accountability and all reports to the Federal government regarding such funds shall be the responsibility of DEED.

The current interagency agreement between DEED and the Minnesota Environmental Quality Board (EQB) concerning the Advance Forecast of electrical demand, shall remain the responsibility of DEED. The positions and funding provided by this agreement shall remain with DEED.

All costs associated with the federally funded positions remaining with DEED including but not limited to indirect costs, salary, fringe benefits, vacation, insurance and all severance costs and unemployment compensation, shall be the responsibility of DEED.

Continued access to and use of the Energy Forecasting Model, the Regional Energy Information System (REIS), all library materials, and all other pertinent data, information and materials shall be furnished by DEED to DPS. Their ultimate transfer will be determined by agreement of the Commissioner of DEED and the Director of DPS.

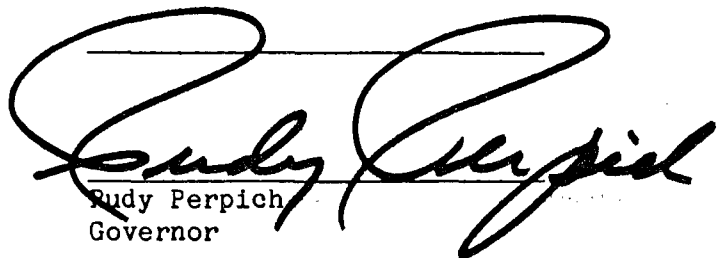
Fiscal support services for the personnel and programs transferred to DPS by this order shall be furnished by DEED for the remainder of Fiscal Year 1987 at no cost to DPS. During such time period DEED shall provide instructions and training on the procedures, methods and materials of the accounts and transactions transferred, to selected DPS personnel.

The positions transferred above include one state complement position at the Accounting Clerk Senior level, that is currently vacant. Said position shall be upgraded to an Accounting Officer Senior and funding at that level shall be transferred to DPS.

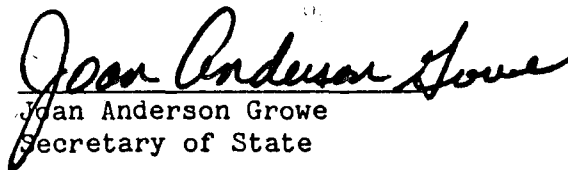
All Federal energy indirect funds shall be transferred from DEED to DPS.


The effective date of this Order is December 26, 1986. The Order is herewith filed with the Secretary of State and shall remain in effect until amended or repealed.

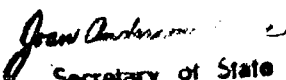
APPROVED


Rudy Perpich
Governor

FILED ACCORDING TO LAW:


Joan Anderson Grove
Secretary of State


Sandra Hale
Commissioner
Department of Administration

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 29 1986

Secretary of State