



**STATE OF MINNESOTA**

OFFICE OF THE GOVERNOR

**ST. PAUL 55155**

RUDY PERPICH  
GOVERNOR

July 16, 1985

OFFICE OF  
APPELLATE COURTS  
FILED

AUG 5 1985

The Honorable Douglas K. Amdahl  
Chief Justice, Supreme Court  
223 State Capitol  
St. Paul, MN 55155

**WAYNE TSCHIMPERLE**  
CLERK

Dear Justice Amdahl:

Enclosed please find information regarding the Board of Public Defense.

According to H.F. 786, Chapter 285, the designated appointing authority for board has been transferred to the Supreme Court.

If I can be of further assistance regarding these boards or the appointments process, please contact me.

Sincerely,

RACHEL WOBISCHALL  
Appointments Commission

enc.



# BOARD OF PUBLIC DEFENSE

Office of the Public Defender.  
The Law School  
University of Minnesota  
Minneapolis 55455

373-5725  
Paul Jones

Laws of 1981  
Chapter 356

**Purpose:** Appoints State and District Public Defenders  
Works to maintain and all members shall demonstrate  
an interest in a high quality legal defense system  
for those unable to obtain adequate representation

**Note:** J.D. 3 and J.D. 8 not included in Public Defender  
Board does not have jurisdiction

**Membership:** 7 members - appointed by the Governor  
1 District, County or Municipal Court Trial Judge  
4 Attorneys acquainted with defense of persons  
accused of crime, but not employed as prosecutors  
or public defense counsels  
In appointing attorney members, the Governor shall  
first consider a list of at least 3 nominees for each  
position submitted by the State Bar Association.  
2 Public members

**Meetings:**  
**Compensation:** Expenses

## Current members:

Kevin S. Burke 4617 Aldrich Ave. So. Minneapolis, MN 55409	612-824-3621 Hennepin LD 62	CD 5	1-87 Muni. Judge M-DFL-W
Harry Burns, II 111 9th Ave. No. Saint Cloud, MN 56301	339-7300 Benton LD 17A	CD 7	1-88 Attorney M-DFL-W
Harry Eliason 402 East Howard Street Hibbing, MN 55746	218-262-4271 Saint Louis LD 5B	CD 8	1-89 Attorney M-DFL-W
Mark W. Gehan, Jr. 989 Goodrich Ave. Saint Paul, MN 55105	612-224-2112 Ramsey LD	CD 4	1-86 Attorney M-IR-W
Alberto Miera, Jr. 956 Birchview Court Saint Paul, MN 55119	Ramsey LD	CD 4	1-87 County Crt Judge M-DFL-H
Sister Tressa Piper 1100 East 10th Street Glencoe, MN 55336	McLeod	CD 2	1-89 Public member
Richard Sherman 23715 Wood Lane Rogers, MN 55374	348-4496 Hennepin LD	CD 5	1-88 Public member M-DFL-W



Minnesota  
STATE PLANNING AGENCY

Room 100 Capitol Square Building  
550 Cedar Street St. Paul, MN 55101

*Open Appointments 3*

February 19, 1985

*see page 6  
of pub Def...  
Bd to Sup... AT*

MEMORANDUM

TO: Affected Departments and Agencies  
FROM: Tom Triplett, Director  
SUBJECT: Reduction in Governor's Appointments

*Actual Language  
is on page 28  
of Bill.*

Last session, legislation was passed transferring the authority for appointing members of some multi-member agencies from the Governor to a more appropriate appointing authority. The Governor strongly believes that this transfer of authority will result in greater efficiency in appointing qualified candidates and increase the accountability of these agencies. Therefore, the Governor places a high priority on transferring additional authority this session.

Attached, for your information, is a copy of Revisor's Bill No. 85-1114 that proposes a transfer of appointing authority affecting 41 agencies. We feel that the proposed changes will not impair the important public service provided by these agencies. In addition, the bill proposes to terminate three agencies whose work has either been completed or can be merged with a similar program in another agency.

The affected agencies are:

A. Councils

1. Motion Picture and Television Advisory Council
2. Manufacturing and Growth Council
3. Telecommunications Council
4. Small Business Procurement Advisory Council
5. Voyageurs National Park Citizens Council
6. Water Supply and Wastewater Treatment Operators Certification Council
7. Southern Minnesota Rivers Basin Advisory Council
8. Education Council
9. Quality Education Council
10. Alcohol and Other Drug Abuse Advisory Council

B. Boards

1. Designer Selection Board
2. Animal Health Board
3. Soil and Water Conservation Board
4. Job Skills Partnership Board
5. Teaching Board
6. Nursing Home Administrators Examining Board
7. Medical Examiners Board
8. Chiropractic Examiners Board
9. Nursing Board
10. Optometry Board
11. Psychology Board
12. Dentistry Board
13. Pharmacy Board
14. Podiatry Board
15. Barber Examiners Board
16. Veterinary Medicine Board
17. Public Employees Relations Board (terminate)
18. Cable Communications Board (terminate)
19. Gillette Hospital Board
20. Assessors Board
21. Architecture, Engineering, Land Surveying and  
Landscape Architecture Board
22. Accountancy Board
23. Electricity Board
24. Abstractors Board
25. Public Defense Board
26. Peace officers Standards and Training Board

C. Committees, Commissions and Societies

1. Great Lakes Commission
2. Interstate Cooperation Commission (terminate)
3. Office of Volunteer Services Advisory Committee
4. Local Plan Review Committees
5. Juvenile Justice Advisory Committee
6. Education Compact Commission of the States
7. Mississippi River Parkway Commission
8. Humane Society (director)

We are in the process of discussing the bill with potential authors. If you have any comments or questions, please contact Roger Williams of my staff at 297-2997.

Section 33: Amends M.S. Sec. 161.1419 to transfer authority for appointing 3 members of the Mississippi River Parkway Commission from the Governor to the Commissioner of Transportation.

Section 34: Amends M.S. Sec. 250.05 to transfer authority for appointing 6 members of the Gillette Hospital Board from the Governor to the Commissioner of Health.

Section 35: Amends M.S. Sec. 254A.04 to transfer authority for appointing 10 members of the Alcohol and Other Drug Abuse Advisory Council from the Governor to the Commissioners of Health and Human Services.

Section 36: Amends M.S. Sec. 270.41 to transfer authority for appointing 9 members of the Assessors Board from the Governor to the Commissioner of Revenue.

Section 37: Amends M.S. Sec. 326.04 to transfer authority for appointing 17 members of the Architecture, Engineering, Land Surveying and Landscape Architecture Board from the Governor to the Commissioner of Commerce.

Section 38: Amends M.S. Sec. 326.17 to transfer authority for appointing 7-9 members of the Accountancy Board from the Governor to the Commissioner of Commerce.

Section 39: Amends M.S. Sec. 326.241 to transfer authority for appointing 9 members of the Electricity Board from the Governor to the Commissioner of Commerce.

Section 40: Amends M.S. Sec. 343.01 to transfer authority for appointing the executive director of the Humane Society from the Governor to the Society Board.

Section 41: Amends M.S. Sec. 386.63 to transfer authority for appointing 7 members of the Abstractor's Board from the Governor to the Commissioner of Commerce.

Section 42: Amends M.S. Sec. 611.215 to transfer authority for appointing 7 members of the Public Defense Board from the Governor to the Supreme Court.

Section 43: Amends M.S. Sec. 626.841 to transfer authority for appointing 13 members of the Peace Officer Standards and Training Board from the Governor to the Commissioner of Public Safety.

Section 44: Amends L84 c654, art. 2, sec. 151 to transfer authority for appointing 17 members of the Manufacturing and Growth Council from the Governor to the Commissioner of Energy and Economic Development.

PM  
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1 space and administrative services, and the board shall reimburse  
2 the commissioner for the cost.

3 Sec. 41. Minnesota Statutes 1984, section 386.63,  
4 subdivision 1, is amended to read:

5 Subdivision 1. There is hereby created the board of  
6 abstracters whose duties it shall be to administer the  
7 provisions of sections 386.61 to 386.76. The board shall  
8 consist of seven members to be appointed by the ~~governor~~  
9 commissioner of commerce. Four persons so appointed shall be  
10 -----  
11 residents of this state and actually engaged in the business of  
12 making abstracts of title to real estate for at least five years  
13 immediately preceding the time of their appointment, but no more  
14 than one such member shall be from a county containing a city of  
15 the first class. The fifth member of the board shall be an  
16 attorney at law admitted to practice in the state of Minnesota.  
17 The remaining members shall be public members as defined in  
18 section 214.02. Membership terms, compensation of members,  
19 removal of members, the filling of membership vacancies, and  
20 fiscal year and reporting requirements shall be as provided in  
21 sections 214.07 to 214.09. The provision of staff,  
22 administrative services and office space; the review and  
23 processing of complaints; the setting of fees; and other  
24 provisions relating to board operations shall be as provided in  
25 chapter 214 and Laws 1976, Chapter 222, Sections 2 to 7.

25 Sec. 42. Minnesota Statutes 1984, section 611.215,  
26 subdivision 1, is amended to read:

27 Subdivision 1. [CREATION; MEMBERSHIP.] There is created a  
28 state board of public defense as a part of, but not subject to  
29 the administrative control of, the judicial branch of  
30 government. The state board of public defense shall consist of  
31 seven members appointed by the ~~governor~~ supreme court including:

32 (a) A district, county or county municipal court trial  
33 judge;

34 (b) Four attorneys admitted to the practice of law, well  
35 acquainted with the defense of persons accused of crime, but not  
36 publicly employed as a prosecutor or defense counsel; and

1 (c) Two public members.  
 2 All members shall demonstrate an interest in maintaining a  
 3 high quality, independent defense system for those who are  
 4 unable to obtain adequate representation. In making the four  
 5 appointments of attorneys at law, the ~~governor~~ supreme court  
 6 shall first consider a list of at least three nominees for each  
 7 position submitted to the ~~governor~~ supreme court by the state  
 8 bar association. The terms, compensation and removal of members  
 9 shall be as provided in section 15.0575\*. The chairman shall be  
 10 elected by the members from among the membership for a term of  
 11 two years.

12 Sec. 43. Minnesota Statutes 1984, section 626.841, is  
 13 amended to read:

14 626.841 [BOARD; MEMBERS.]

15 The board of peace officer standards and training shall be  
 16 composed of the following 13 members:

17 ... (a) Two members to be appointed by the ~~governor~~  
 18 commissioner of public safety from among the county sheriffs in  
 19 Minnesota;

20 (b) Four members to be appointed by the ~~governor~~  
 21 commissioner from among peace officers in Minnesota  
 22 municipalities, at least two of whom shall be chiefs of police;

23 (c) The superintendent of the Minnesota bureau of criminal  
 24 apprehension or his designee;

25 (d) Two members appointed by the ~~governor~~ commissioner  
 26 experienced in law enforcement at a local, state or federal  
 27 level who are not currently employed as peace officers;

28 (e) Two members to be appointed by the ~~governor~~  
 29 commissioner from among the elected city officials in statutory  
 30 or home rule charter cities of under 5,000 population outside  
 31 the metropolitan area, as defined in section 473.121,  
 32 subdivision 2;

33 (f) Two members appointed by the ~~governor~~ commissioner from  
 34 among the general public.

35 A chairman shall be appointed by the ~~governor~~ commissioner  
 36 from among the members. In making appointments the governor

**15.0575 ADMINISTRATIVE BOARDS AND AGENCIES.**

Subdivision 1. Procedure. The membership terms, compensation, and removal of members and the filling of membership vacancies of boards shall be governed by this section whenever specifically provided by law. As used in this section, "boards" shall refer to all boards, commissions, agencies, committees, councils, authorities and courts whose provisions are governed by this section.

Subd. 2. Membership terms. The terms of the members shall be four years with the terms ending on the first Monday in January. The appointing authority shall appoint as nearly as possible one-fourth of the members to terms expiring each year. If the number of members is not evenly divisible by four, the greater number of members, as necessary, shall be appointed to terms expiring in the year of commencement of the governor's term and the year or years immediately thereafter. If the membership is composed of categories of members from occupations, industries, political subdivisions, the public or other groupings of persons, and if the categories have two or more members each, the appointing authority shall appoint as nearly as possible one-fourth of the members in each category at each appointment date. Members may serve until their successors are appointed and qualify but in no case later than July 1 in a year in which a term expires unless reappointed.

Subd. 3. Compensation. Members of the boards shall be compensated at the rate of \$35 per day spent on board activities, when authorized by the board, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted pursuant to section 43A.18, subdivision 2. Members who are full time state employees or full time employees of the political subdivisions of the state shall not receive the \$35 per day, but they shall suffer no loss in compensation or benefits from the state or a political subdivision as a result of their service on the board. Members who are full time state employees or full time employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source.

Subd. 4. Removal; vacancies. A member may be removed by the appointing authority at any time (1) for cause, after notice and hearing, or (2) after missing three consecutive meetings. The chairman of the board shall inform the appointing authority of a member missing the three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the secretary of the board shall notify the member in writing that he may be removed if he misses the next meeting. In the case of a vacancy on the board, the appointing authority shall appoint, subject to the advice and consent of the senate if the member is appointed by the governor, a person to fill the vacancy for the remainder of the unexpired term.

Subd. 5. Membership vacancies within three months of appointment. When a membership on a board becomes vacant within three months after being filled through the open appointments process, the appointing authority may, upon notification to the office of secretary of state, choose a new member from the applications on hand and need not repeat the process.

History: 1976 c 134 s 1; 1982 c 560 s 5; 1983 c 305 s 6; 1984 c 531 s 2

**15.058 LICENSING BOARD MEMBERS, COMPENSATION, TERMS, REMOVAL, REPORTS.**

Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements for those agencies in the executive branch other than departments whose primary functions

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