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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2456

03/08/2016 Authored by Thissen and Hornstein

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to human services; creating the Department of Direct Care Services;
1.3 amending Minnesota Statutes 2014, sections 15.01; 15.06, subdivision 1;
1.4 15A.0815, subdivision 2; 43A.08, subdivision 1a; proposing coding for new law
1.5 as Minnesota Statutes, chapter 246C.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2014, section 15.01, is amended to read:

1.8 **15.01 DEPARTMENTS OF THE STATE.**

1.9 The following agencies are designated as the departments of the state government:
1.10 the Department of Administration; the Department of Agriculture; the Department of
1.11 Commerce; the Department of Corrections; the Department of Direct Care Services; the
1.12 Department of Education; the Department of Employment and Economic Development;
1.13 the Department of Health; the Department of Human Rights; the Department of Human
1.14 Services; the Department of Labor and Industry; the Department of Management and
1.15 Budget; the Department of Military Affairs; the Department of Natural Resources; the
1.16 Department of Public Safety; ~~the Department of Human Services~~; the Department of
1.17 Revenue; the Department of Transportation; the Department of Veterans Affairs; and
1.18 their successor departments.

1.19 Sec. 2. Minnesota Statutes 2014, section 15.06, subdivision 1, is amended to read:

1.20 Subdivision 1. **Applicability.** This section applies to the following departments
1.21 or agencies: the Departments of Administration, Agriculture, Commerce, Corrections,
1.22 Direct Care Services, Education, Employment and Economic Development, Health,
1.23 Human Rights, Human Services, Labor and Industry, Management and Budget, Natural

2.1 Resources, Public Safety, ~~Human Services~~, Revenue, Transportation, and Veterans
 2.2 Affairs; the Housing Finance and Pollution Control Agencies; the Office of Commissioner
 2.3 of Iron Range Resources and Rehabilitation; the Office of MN.IT Services; the Bureau
 2.4 of Mediation Services; and their successor departments and agencies. The heads of the
 2.5 foregoing departments or agencies are "commissioners."

2.6 Sec. 3. Minnesota Statutes 2014, section 15A.0815, subdivision 2, is amended to read:

2.7 Subd. 2. **Group I salary limits.** The salary for a position listed in this subdivision
 2.8 shall not exceed 133 percent of the salary of the governor. This limit must be adjusted
 2.9 annually on January 1. The new limit must equal the limit for the prior year increased
 2.10 by the percentage increase, if any, in the Consumer Price Index for all urban consumers
 2.11 from October of the second prior year to October of the immediately prior year. The
 2.12 commissioner of management and budget must publish the limit on the department's Web
 2.13 site. This subdivision applies to the following positions:

2.14 Commissioner of administration;
 2.15 Commissioner of agriculture;
 2.16 Commissioner of education;
 2.17 Commissioner of commerce;
 2.18 Commissioner of corrections;
 2.19 Commissioner of direct care services;
 2.20 Commissioner of health;
 2.21 Commissioner, Minnesota Office of Higher Education;
 2.22 Commissioner, Housing Finance Agency;
 2.23 Commissioner of human rights;
 2.24 Commissioner of human services;
 2.25 Commissioner of labor and industry;
 2.26 Commissioner of management and budget;
 2.27 Commissioner of natural resources;
 2.28 Commissioner, Pollution Control Agency;
 2.29 Executive director, Public Employees Retirement Association;
 2.30 Commissioner of public safety;
 2.31 Commissioner of revenue;
 2.32 Executive director, State Retirement System;
 2.33 Executive director, Teachers Retirement Association;
 2.34 Commissioner of employment and economic development;
 2.35 Commissioner of transportation; and

3.1 Commissioner of veterans affairs.

3.2 Sec. 4. Minnesota Statutes 2014, section 43A.08, subdivision 1a, is amended to read:

3.3 Subd. 1a. **Additional unclassified positions.** Appointing authorities for the
 3.4 following agencies may designate additional unclassified positions according to this
 3.5 subdivision: the Departments of Administration; Agriculture; Commerce; Corrections;
 3.6 Direct Care Services; Education; Employment and Economic Development; Explore
 3.7 Minnesota Tourism; Management and Budget; Health; Human Rights; Human Services;
 3.8 Labor and Industry; Natural Resources; Public Safety; ~~Human Services~~; Revenue;
 3.9 Transportation; and Veterans Affairs; the Housing Finance and Pollution Control Agencies;
 3.10 the State Lottery; the State Board of Investment; the Office of Administrative Hearings; the
 3.11 Office of MN.IT Services; the Offices of the Attorney General, Secretary of State, and State
 3.12 Auditor; the Minnesota State Colleges and Universities; the Minnesota Office of Higher
 3.13 Education; the Perpich Center for Arts Education; and the Minnesota Zoological Board.

3.14 A position designated by an appointing authority according to this subdivision must
 3.15 meet the following standards and criteria:

3.16 (1) the designation of the position would not be contrary to other law relating
 3.17 specifically to that agency;

3.18 (2) the person occupying the position would report directly to the agency head or
 3.19 deputy agency head and would be designated as part of the agency head's management
 3.20 team;

3.21 (3) the duties of the position would involve significant discretion and substantial
 3.22 involvement in the development, interpretation, and implementation of agency policy;

3.23 (4) the duties of the position would not require primarily personnel, accounting, or
 3.24 other technical expertise where continuity in the position would be important;

3.25 (5) there would be a need for the person occupying the position to be accountable to,
 3.26 loyal to, and compatible with, the governor and the agency head, the employing statutory
 3.27 board or commission, or the employing constitutional officer;

3.28 (6) the position would be at the level of division or bureau director or assistant
 3.29 to the agency head; and

3.30 (7) the commissioner has approved the designation as being consistent with the
 3.31 standards and criteria in this subdivision.

3.32 Sec. 5. **[246C.01] DEPARTMENT OF DIRECT CARE SERVICES.**

3.33 The Department of Direct Care Services is created. The governor shall appoint the
 3.34 commissioner of direct care services under section 15.06. The commissioner shall develop

4.1 and maintain direct care services in a manner consistent with sections 245.461 and 245.487
 4.2 and chapters 246, 252, 253, 254A, and 254B. Direct care services shall be provided
 4.3 in coordination with counties and other vendors. Direct care services shall include
 4.4 regional treatment centers, enterprise services, community-based services and programs;
 4.5 community preparation services, consultative services, and other services consistent with
 4.6 the mission of the Department of Direct Care Services. These services shall include
 4.7 crisis beds, waived homes, intermediate care facilities, and day training and habilitation
 4.8 facilities. The administrative structure of direct care services must be statewide in character.
 4.9 The direct care services staff may deliver services at any location throughout the state.

4.10 **Sec. 6. [246C.05] TRANSFER OF DUTIES.**

4.11 (a) Section 15.039 applies to the transfer of duties required by this chapter.

4.12 (b) The commissioner of administration, with the approval of the governor, may
 4.13 issue reorganization orders under section 16B.37 as necessary to carry out the transfer of
 4.14 duties required by this chapter. The provision of section 16B.37, subdivision 1, stating that
 4.15 transfers under section 16B.37 may be made only to an agency that has been in existence
 4.16 for at least one year does not apply to transfers to an agency created by this chapter.

4.17 (c) The initial salary for the commissioner of direct care services is the same as the
 4.18 salary for the commissioner of health. The salary may be changed in the manner specified
 4.19 in section 15A.0815.

4.20 (d) The commissioner of management and budget must ensure that the aggregate
 4.21 cost for the commissioner of direct care services is not more than the aggregate cost of the
 4.22 primary executives in the Department of Human Services responsible for management of
 4.23 direct care services immediately before the effective date of this section.

4.24 **Sec. 7. REVISOR'S INSTRUCTION; CONFORMING STATUTORY CHANGES.**

4.25 The revisor of statutes, in consultation with house of representatives and senate staff
 4.26 and the commissioner of human services, shall prepare a bill for introduction in the 2017
 4.27 legislative session proposing the statutory changes needed to implement the transfers of
 4.28 duties required by this chapter.

4.29 **Sec. 8. EFFECTIVE DATE.**

4.30 Sections 1 to 7 are effective July 1, 2017.