

CHAPTER 402

HUMAN SERVICES ACT

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402.01 AGREEMENT. Subdivision 1. One or more contiguous counties, having an aggregate population of 50,000 or more persons or three or more contiguous counties situated within the boundaries of the same region designated pursuant to sections 462.381 to 462.396 or chapter 473B, may, by resolution of their county boards of commissioners, designate a human services regional commission having the composition, powers, and duties provided in sections 402.01 to 402.10.

Subd. 2. Any agreement pursuant to subdivision 1 shall be governed by sections 402.01 to 402.10 and section 471.59 provided that a county board may withdraw from the agreement only after one year's notice to all other counties party to the agreement which notice shall be delivered on or before the last day of the current fiscal year.
 [1973 c 716 s 1; 1976 c 149 s 62 subd 7; 1976 c 340 s 1]

402.02 REGIONAL COMMISSION; COMPOSITION; POWERS; FUNDING; GRANTS. Subdivision 1. Human services regional commissions shall be composed as follows:

- (a) Not less than one county commissioner from each county party to the agreement, the commissioner or commissioners to be selected by the county board of the participating county; and
- (b) Citizen members who in number shall comprise not less than one-third of the membership of the human services regional commission, one of whom shall be the chairman of the human services advisory committee, appointed in a manner determined by the county boards which are party to the agreement.

Regional commission members shall serve for terms of three years, so arranged that as nearly as practicable, the terms of one-third of the members shall expire each year. Vacancies shall be filled in the same manner as original appointments.

Subd. 2. A human services regional commission shall possess all the powers and duties now assigned by law to:

- (a) Manage the existing public resources devoted to human services delivered or purchased by the counties, which are subsidized or regulated by the departments of corrections, health, and public welfare;
- (b) Employ staff to carry out the purposes of sections 402.01 to 402.10;
- (c) Deliver services directly, or through contract with other governmental or non-governmental providers;
- (d) Develop a plan for the delivery of human services, which shall include court services, public health services, public assistance, mental retardation services, social services, mental health services, and others of similar classification, and shall show evidence of participation in the development of the plan by major private sector providers of related services;
- (e) Receive and expend for the purposes of sections 402.01 to 402.10 funds from the departments of corrections, health and public welfare, or from any other lawful source, including any governmental source.

Subd. 3. The county boards of commissioners, party to the agreement, shall determine the proportional financial responsibility of each county to support the programs and services of the regional commission. The agreement may provide for payments by each county based upon use by residents of the county of a particular program or service provided, or by other arrangements as determined pursuant to the agreement. Each county shall be subject to applicable requirements of law concerning

funding, and to existing limitations upon the authority to levy taxes, for any particular program or service.

Subd. 4. The departments of corrections, health, and public welfare shall provide funds from any grant or subsidy program or other authorized source to the human services regional commission, based upon a plan which satisfies the standards and regulations of the individual state agency, and which represents all subsidy money for human services which each agency commits to programs within counties comprising the human services regional commission.

[1973 c 716 s 2; 1974 c 234 s 1; 1976 c 149 s 62 subd 7]

402.03 ADVISORY COMMITTEE. Each human services regional commission shall appoint an advisory committee, which shall actively participate in the formulation of the plan for the development, implementation and operation of the programs and services by the regional commission, and shall make a formal recommendation to the regional commission at least annually concerning the annual budget of the regional commission and the implementation of the plan during the ensuing year.

Membership on the advisory committee shall consist of no more than 25 persons serving three year terms. The chairman shall be appointed by the human services regional commission and may not be a member of a county board.

One-third of the members of the advisory committee shall be representatives of those persons receiving services provided by the human services regional commission. Up to one-third may be providers or employees of providers of services and must include representatives of private providers if such providers exist in the county or counties party to the agreement. The remaining members shall represent the citizens of the counties.

The advisory committee shall appoint at least three permanent task forces to assist it in its functions: Corrections, social and mental health services, and public health.

Task force membership shall be constituted to fulfill state agency requirements for receiving categorical funds. Where appropriately constituted, these task forces may replace those advisory bodies required by statute and regulation to advise county welfare boards and other county and area boards. Individuals not members of the advisory committee may be appointed to the task forces; provided, however, that each task force shall be chaired by a member of the advisory committee.

The human services regional commission shall provide staff assistance to the advisory committee.

[1973 c 716 s 3; 1974 c 234 s 2; 1976 c 149 s 62 subd 7]

402.04 DELEGATION OF FUNCTIONS; FINANCIAL AID; STANDARDS; REPORTS. Subdivision 1. During the biennium ending June 30, 1975, the commissioner of corrections, state board of health, and commissioner of public welfare may, without reference to the provisions of chapter 15, delegate any duty, authority, or responsibility vested in their respective departments relative to any program or service presently provided by the state, to any human services regional commission which has in effect an approved plan for the affected program or service. The authority granted under this section shall include the authority to transfer to a human services regional commission that portion of any unexpended appropriation which represents a saving to the department concerned by virtue of the assumption by the regional commission of the duty, authority, or responsibility so delegated. No state employee shall be involuntarily terminated from employment by any action under this section.

Subd. 2. The delegation of any duty, authority, or responsibility, and transfer of funds therewith, shall be subject to the maintenance by the human services regional commission of applicable standards prescribed by the respective department, pursuant to the provisions of subdivision 1. Upon failure to maintain the prescribed standards, any delegated function and unexpended funds shall revert to the department concerned according to procedures established by it.

Subd. 3. The exercise of any transfer of function or funds pursuant to subdivisions 1 and 2 shall be immediately reported to the committees on appropriations of the house of representatives and finance of the senate.

[1973 c 716 s 4; 1976 c 149 s 62 subd 7]

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402.05 EMPLOYEES. Subdivision 1. All persons employed by a county, whose functions are assumed by a human services regional commission, shall continue as employees of the regional commission without loss in seniority, status, or benefits, and subject to any merit or civil service system.

Subd. 2. Not later than 30 days after approval of the initial human services regional commission plan and budget by affected state agencies pursuant to section 402.06 any county board, committee or commission having authorities or duties in the areas designated in section 402.02, subdivision 2, clause (d) shall cease its operation and no per diem or reimbursement of expenses shall be paid to any member of the board, committee or commission.

Subd. 3. Each member of the human services regional commission may receive a per diem and be reimbursed expenses in the performance of official duties in the amount and within the limitations as are members of county welfare boards provided in section 393.03.

[1973 c 716 s 5; 1974 c 234 s 3; 1976 c 149 s 62 subd 7]

402.06 IMPLEMENTATION. Upon the designation as a human services regional commission, the regional commission shall transmit copies of the agreement documents to each affected state agency, the regional development commission, if established, and the governor. Each affected department shall assign personnel to assist the regional commission in preparing its organization and initial plan for receipt of operating funds. Within six months of its creation, each human services regional commission shall present its initial plan and budget to affected state agencies.

Prior to adoption of the plan by the human services regional commission there shall be a public hearing on the plan. As far as practicable, the human services regional commission shall annually publish or otherwise circulate notice of its proposed plan and afford interested persons opportunity to submit data or views orally or in writing.

[1973 c 716 s 6; 1974 c 234 s 4; 1976 c 149 s 62 subd 7]

402.07 TERMINATION. The county boards party to an agreement to designate a human services regional commission may terminate the agreement and no longer manage the public resources devoted to human services in their counties but only on notice of an intention to terminate delivered to the commissioner of public welfare, state board of health, and commissioner of corrections not less than 90 days before the effective date of the termination. On the termination all public resources devoted to human services shall be managed in accordance with provisions of law in effect on June 30, 1973.

[1973 c 716 s 7; 1976 c 149 s 62 subd 7]

402.08 PILOT PLANNING GRANTS. The state planning agency shall select pilot study human services regional commissions for the development of plans and programs pursuant to sections 402.01 to 402.10. To qualify as a pilot study human services regional commission, the regional commission need not be a formally designated human services regional commission pursuant to section 402.01. Any pilot human services regional commission selected shall receive financial assistance to plan its responsibilities under sections 402.01 to 402.10. No grant pursuant to this section shall be made to any individual county.

[1973 c 716 s 8; 1974 c 234 s 5; 1976 c 149 s 62 subd 7]

402.09 [Expired]

402.10 CITATION. Sections 402.01 to 402.10 may be cited as the human services act.

[1973 c 716 s 11]