

## CHAPTER 402

## HUMAN SERVICES

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**402.01 AGREEMENT UNDER THIS CHAPTER.**

Subdivision 1. **For human services board; 1 or more counties.** One or more contiguous counties situated within the boundaries of the same region designated pursuant to sections 462.381 to 462.396 or section 473.121, subdivision 2, may, by resolution of their county boards of commissioners, designate a human services board having the composition, powers, and duties provided in sections 402.01 to 402.10.

Subd. 2. **Withdrawal; notice.** 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.

Subd. 3. **Temporary board.** Counties may designate a temporary human services board by sending written notification to each affected state agency stating the intent to organize and develop a human services board. After the notification, the county board or county boards may act under the provisions of this chapter for a period not to exceed one year from the date of the notification.

**History:** 1973 c 716 s 1; 1976 c 149 s 62 subd 7; 1976 c 340 s 1; 1977 c 411 s 6,9; 1979 c 118 s 1; 1980 c 509 s 152; 1996 c 305 art 1 s 97

**402.02 LOCAL BOARDS; COMPOSITION; POWERS; FUNDING.**

Subdivision 1. **Members.** Human services boards 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) Optional citizen members who in number shall not comprise more than one-third of the membership of the human services board, one of whom shall be the chair of the human services advisory committee, appointed in a manner determined by the county boards which are party to the agreement.

Board 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. 1a. **Commissioners as board.** If a single county forms a human services board, the county board of commissioners may assume the powers and duties of a human services board.

Subd. 2. **Powers and duties.** Notwithstanding the population requirements of sections 145A.09 to 145A.13 and 245.61 to 245.69 and chapter 401, a human services board shall possess all the powers and duties now assigned by law to:

(a) Manage the public resources devoted to human services delivered or purchased by the counties, which are subsidized or regulated by the departments of corrections, health, and human services;

(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 nongovernmental providers;

(d) Plan for the delivery of human services, which shall include corrections services, public health services, public assistance, mental retardation services, social services, mental health services, and others of similar classification;

(e) Receive and expend funds for the purposes of sections 402.01 to 402.10;

(f) Rent, purchase, sell, or otherwise dispose of real and personal property and equipment; and

(g) County health boards, local social services agencies, and mental health boards.

Subd. 3. **Finances.** 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 board. 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. **State approved plan.** The departments of corrections, health, and human services shall provide funds from any grant or subsidy program or other authorized source to the human services board, based upon an approved plan. The grant or subsidy shall represent all money for human services which each agency commits to programs within counties comprising the human services board.

**History:** 1973 c 716 s 2; 1974 c 234 s 1; 1976 c 149 s 62 subd 7; 1977 c 281 s 4; 1977 c 411 s 1,2,9; 1979 c 118 s 2; 1984 c 654 art 5 s 58; 1986 c 444; 1987 c 139 s 1; 1987 c 309 s 26; 1994 c 631 s 31

#### 402.03 ADVISORY COMMITTEE.

Each human services board 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 board, and shall make a formal recommendation to the board at least annually concerning the annual budget of the board and the implementation of the plan during the ensuing year.

Membership on the advisory committee shall consist of no more than 25 persons serving two year terms not to exceed three consecutive terms. Up to one-half of the terms of the initial advisory committee may be for one year; upon their expiration all terms shall be for two years. The chair shall be appointed by the human services board 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 board. 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. At least one member shall be a member of the health advisory committee established pursuant to section 145A.10, subdivision 10, if any. At least one member shall be a member of the corrections advisory board established pursuant to section 401.08, if any. The remaining members shall represent the citizens of the counties.

The advisory committee shall appoint permanent task forces to assist in planning for corrections, social, mental health and public health services.

Task force membership shall be constituted to fulfill state agency requirements for receiving categorical funds. Where appropriately constituted, these task forces may, at the option of the human services boards, replace those advisory bodies required by statute and rule to advise local social services agencies 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 board shall provide staff assistance to the advisory committee.

**History:** 1973 c 716 s 3; 1974 c 234 s 2; 1976 c 149 s 62 subd 7; 1977 c 411 s 3; 1979 c 118 s 3; 1985 c 248 s 70; 1986 c 444; 1989 c 209 art 2 s 1; 1994 c 631 s 31

#### 402.04 DELEGATION OF FUNCTIONS; FINANCIAL AID; STANDARDS; REPORTS.

Subdivision 1. **Delegation by state.** The commissioners of corrections, health, and human services may, without reference to the provisions of chapter 14, 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 board 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 board that portion of any unexpended appropriation which represents a saving to the department concerned by virtue of the assumption by the board 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. **If standards maintained.** The delegation of any duty, authority, or responsibility, and transfer of funds therewith, shall be subject to the maintenance by the human services board 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. **Report to money committees.** 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.

**History:** 1973 c 716 s 4; 1976 c 149 s 62 subd 7; 1977 c 305 s 45; 1977 c 411 s 4,9; 1979 c 118 s 4; 1982 c 424 s 130; 1984 c 654 art 5 s 58

#### 402.045 FUNCTION OF COMMISSIONER OF HUMAN SERVICES.

The commissioner of human services has authority for human services development. The commissioner may appoint professional and clerical staff as the commissioner deems necessary. The commissioner shall:

- (1) support the development of human services boards and provide technical assistance to the boards;
- (2) disburse and monitor grants as may be available to assist human services board development;
- (3) receive and coordinate the review of annual human services board plans;
- (4) cooperate with other state agencies in assisting local human services integration projects; and
- (5) maintain a file on reports, policies, and documents pertaining to human services boards.

**History:** 1977 c 411 s 11; 1979 c 118 s 5; 1981 c 356 s 218; 1983 c 289 s 115 subd 1; 1986 c 444; 1987 c 186 s 15; 1991 c 345 art 2 s 56

#### 402.046 [Repealed, 1979 c 118 s 12]

#### 402.05 EMPLOYEES.

Subdivision 1. **Continuity; personnel administration.** All persons employed by a county, whose functions are assumed by a human services board, shall continue as employees of the board without loss in seniority or benefits. Personnel administration for the employees shall be in compliance with the federal standard for a merit system of personnel administration.

Subd. 1a. **Director.** Each human services board shall appoint a director, who shall serve at the pleasure of the human services board. The director shall by training and experience demonstrate management and administrative skills.

Subd. 2. [Repealed, 1979 c 118 s 12]

Subd. 3. **Per diem, expenses.** Each member of the human services board may receive a per diem and be reimbursed expenses in the performance of official duties.

**History:** 1973 c 716 s 5; 1974 c 234 s 3; 1976 c 149 s 62 subd 7; 1977 c 411 s 5; 1979 c 118 s 6; 1984 c 654 art 5 s 58; 1987 c 139 s 2

#### 402.06 IMPLEMENTATION.

Subdivision 1. **Plan deadline; state assistance.** Each state agency affected by action taken pursuant to section 402.01, shall assign personnel to assist the board in preparing its organization and initial plan. Within one year of its creation, each human services board shall present its initial plan and budget to affected state agencies.

Subd. 2. **Copies of agreements.** After the initial planning period and upon the designation of a human services board, the board shall transmit copies of the agreement documents to each affected state agency, the regional development commission and the governor.

Subd. 3. **1 year transition.** Not later than 365 days after approval of the initial human services board plan and budget by affected state agencies any county board, committee or commission having authorities or duties in the areas designated in section 402.02, subdivision 2, shall cease its operation and no per diem or reimbursement of expenses shall be paid to any member of the board, committee or commission.

**History:** 1973 c 716 s 6; 1974 c 234 s 4; 1976 c 149 s 62 subd 7; 1977 c 411 s 7; 1979 c 118 s 7

#### 402.062 PLANS.

Subdivision 1. **Biennial plan; budget.** The human services board, with the assistance of the advisory committee established in section 402.03, shall prepare a biennial plan and budget for the development, implementation, coordination, and operation of services delivered or funded by the human services board. Each affected state agency shall accept the plan of the human services board in lieu of separate plan requirements for individual programs.

Subd. 2. **Participation.** Prior to adoption of the plan by the human services board, the board shall show evidence of participation by the public and private service providers in the development of the plan and shall encourage their comments regarding the use of governmental and nongovernmental service providers.

Subd. 3. **Agency review; action.** Each affected state agency shall review the plan and shall approve or reject it based on the rules in effect for the programs under its jurisdiction. Notice of approval or rejection shall be delivered to the board in writing within 60 days of plan submission.

**History:** 1979 c 118 s 8; 1981 c 356 s 219; 1983 c 289 s 115 subd 1; 1984 c 654 art 5 s 58; 1987 c 139 s 3,4

#### 402.065 BUDGET, LEVY; AUDIT.

In conjunction with the county budget setting process, the human services board shall submit to each county board of commissioners participating in the human services board an estimate of the amount needed by it to perform its duties, including expenses of administration, and, if approved, each county shall levy a tax as provided by law for these purposes. In the event the estimate is not approved, each county board of commissioners participating in the human services board shall confer with the human services board, develop a budget, and levy a tax for the amount required. The state auditor shall audit the books and accounts of the human services board once each year. The human services board shall pay to the state the total cost and expenses of the examination, including the salaries paid to auditors while actually engaged in making

the examination. The general fund shall be credited with all collections made for any examination.

**History:** 1977 c 411 s 10; 1979 c 118 s 9; 1989 c 335 art 4 s 84

#### 402.07 TERMINATION.

The county boards party to an agreement to designate a human services board 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 commissioners of human services, health, and 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 the provisions of law then in effect.

**History:** 1973 c 716 s 7; 1976 c 149 s 62 subd 7; 1977 c 305 s 45; 1977 c 411 s 9; 1979 c 118 s 10; 1984 c 654 art 5 s 58

402.08 [Repealed, 1977 c 411 s 13]

402.09 [Repealed, 1977 c 411 s 13]

402.095 [Repealed, 1987 c 139 s 5]

#### 402.10 CITATION.

Sections 402.01 to 402.10 may be cited as the Human Services Act.

**History:** 1973 c 716 s 11