

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 683

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01/27/2025	189	Introduction and first reading Referred to Human Services
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1.1

A bill for an act

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relating to human services; creating the legislative commission on intellectual and

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developmental disabilities; creating adult foster care and community residential

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setting licensing moratorium exceptions; limiting authority to modify day treatment

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and habilitation and prevocational rehabilitation programs; providing appointments;

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appropriating money; amending Minnesota Statutes 2024, sections 245A.03, by

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adding a subdivision; 252.291, subdivision 1, by adding a subdivision; proposing

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coding for new law in Minnesota Statutes, chapter 3.

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

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Section 1. [3.8848] LEGISLATIVE COMMISSION ON INTELLECTUAL AND

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DEVELOPMENTAL DISABILITIES.

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Subdivision 1. **Membership.** (a) The legislative commission on intellectual and

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developmental disabilities consists of the following 12 members of the legislature appointed

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by the respective leaders of the caucuses of each chamber:

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(1) the chair and ranking minority member, or as applicable the cochairs, of the house

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and senate committees with primary jurisdiction over programs serving people with

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intellectual and developmental disabilities at the Department of Human Services;

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(2) the chair and ranking minority member, or as applicable the cochairs, of the house

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and senate committees with primary jurisdiction over programs serving people with

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intellectual and developmental disabilities at the Department of Labor and Industry; and

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(3) the chair and ranking minority member, or as applicable the cochairs, of the house

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and senate committees with primary jurisdiction over housing.

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(b) The commission may elect up to four former legislators who have demonstrated an

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interest in, or have a history of working with, programs that serve people with intellectual

or developmental disabilities to serve as nonvoting members of the commission. The former legislators must not be registered lobbyists.

Subd. 2. Definitions. (a) "Direct support professional" means any individual employed to provide documented direct support services to a person with an intellectual or developmental disability.

(b) "Disability services" means services for people with intellectual or developmental disabilities provided by a county, billed to a county, managed by a county, or subject to county case management.

(c) "Government entity" has the meaning given in section 13.02.

(d) "Informed choice" has the meaning given in section 256B.4905, subdivision 1a.

(e) "Person with an intellectual or developmental disability" means a person who has been diagnosed with an intellectual disability or with a developmental disability or related condition as defined by any of the following:

(1) the current version of the Diagnostic and Statistical Manual of Mental Disorders (DSM);

(2) the United States Center for Disease Control;

(3) the National Institute for Health;

(4) the American Psychiatric Association Statistical Manual;

(5) Minnesota Statutes; or

(6) Minnesota Rules, including Minnesota Rules, part 9525.0016, subpart 2, items A to E.

(f) "Summary data" has the meaning given in section 13.02.

Subd. 3. Terms; vacancies. (a) Each appointing authority must make appointments as soon as possible after the beginning of the regular legislative session in an odd-numbered year.

(b) Members of the commission serve for terms beginning upon appointment and ending at the beginning of the regular legislative session in the next odd-numbered year.

(c) The appropriate appointing authority must fill a vacancy on the committee by appointing a current legislator in a manner that will preserve the representation of the standing legislative committees listed in subdivision 1.

3.1 Subd. 4. **Compensation.** (a) Legislative members serve without compensation but may
3.2 be reimbursed for their reasonable expenses as members of the legislature.

3.3 (b) Former legislators must be compensated as provided under section 15.0575,
3.4 subdivision 3.

3.5 Subd. 5. **Chair.** The commission must elect a chair at the first meeting of the commission
3.6 in an odd-numbered year and may elect other officers as it determines are necessary. The
3.7 chair alternates between a member of the senate and a member of the house of representatives
3.8 at the start of the regular legislative session in each odd-numbered year. The chair and a
3.9 vice chair may not be from the same chamber.

3.10 Subd. 6. **Administration.** The Legislative Coordinating Commission shall provide
3.11 administrative services for the commission. The Legislative Coordinating Commission may,
3.12 if funding is available, appoint staff to provide research assistance to the commission. The
3.13 Legislative Coordinating Commission may, if funding is available, employ professional
3.14 and technical assistants as the commission deems necessary to perform duties prescribed
3.15 in this section.

3.16 Subd. 7. **State and local agencies to cooperate.** All government entities must comply
3.17 with a request from the commission for information on policies and programs, access to
3.18 public data and fiscal estimates, and preparation of demographic summary data.

3.19 Subd. 8. **Meetings.** (a) The ranking senator from the majority party appointed to the
3.20 commission must convene the first meeting of a biennium by February 15 in the
3.21 odd-numbered year.

3.22 (b) The commission may collaborate in holding meetings with other legislative
3.23 committees it deems relevant or needed.

3.24 (c) The commission may hold meetings in the capitol complex. The commission must
3.25 hold meetings outside the capitol complex, including in rural areas of the state, at the times
3.26 and places it may designate to gather input directly from self-advocates with an intellectual
3.27 or developmental disability, families of people with intellectual or developmental disabilities,
3.28 legal guardians, counties, and disability service providers.

3.29 Subd. 9. **Commission duties; fact finding, research, and recommendations.** (a) The
3.30 members of the commission must develop expertise and knowledge about:

3.31 (1) the characteristics of people across the spectrum of intellectual and developmental
3.32 disabilities;

4.1 (2) the short- and long-term needs of people with intellectual or developmental
4.2 disabilities; and

4.3 (3) the process by which people with intellectual or developmental disabilities access
4.4 education, career exploration, work, housing, transportation, life enrichment, day services,
4.5 and support systems and whether those processes result in informed choices.

4.6 (b) The commission shall review state and county data, including demographic summary
4.7 data, related to disability services for adults with intellectual and developmental disabilities
4.8 to identify service shortcomings related to case management, housing, work options,
4.9 transportation, availability of qualified direct support professionals, life enrichment
4.10 opportunities, and day services.

4.11 (c) The commission shall review legislative proposals that affect adults with intellectual
4.12 or developmental disabilities and make recommendations to the relevant standing legislative
4.13 committees regarding the proposals.

4.14 (d) The commission shall review the most recent Workforce Innovation and Opportunity
4.15 Act Combined State Plan to assess it for any potential negative impact on people with
4.16 intellectual or developmental disabilities, examine the feasibility of amending the combined
4.17 state plan to mitigate or eliminate identified negative impacts to people with intellectual or
4.18 developmental disabilities, and make combined state plan amendment recommendations to
4.19 the Governor's Workforce Development Board and the legislature.

4.20 (e) The commission shall review the federal Workforce Innovation and Opportunity
4.21 Act, United States Code, title 29, sections 3101 to 3361; accompanying regulation; and
4.22 related agency guidance to assess them for any negative potential impact to people with
4.23 intellectual or developmental disabilities and submit its findings to the Minnesota
4.24 congressional delegation.

4.25 (f) The commission shall identify and prioritize areas for reform in disability services
4.26 for adults with intellectual or developmental disabilities.

4.27 Subd. 10. **Commission duties; data-based county disability service reform sites.** The
4.28 commission shall select and oversee counties to serve as data-based county disability services
4.29 reform sites. Selected counties must include the most densely populated county that agrees
4.30 to participate and the county with the largest geographic area that agrees to participate.
4.31 From money appropriated for this purpose, the commission shall award planning grants to
4.32 selected counties to prepare the county's disability services system reform plans. The
4.33 commission shall monitor the progress of selected counties in developing a disability services

5.1 system reform plan. The commission shall review and approve submitted county disability
5.2 services reform plans.

5.3 Subd. 11. **Disability services reform plan requirements.** (a) A county disability services
5.4 system reform plan must be data-based and the plan's reform proposals must be data driven.

5.5 (b) Selected counties must collect and analyze demographic summary data related to
5.6 the adults with intellectual or developmental disabilities receiving or requesting disability
5.7 services.

5.8 (c) Selected counties must collect and analyze data on the provision of case management,
5.9 housing, work options, life enrichment, day services, and transportation and on the labor
5.10 supply of direct support professionals in the local labor market. Selected counties must
5.11 clearly identify geographic locations within their county and surrounding counties where
5.12 there are no disability services, insufficient disability services, and poor-quality disability
5.13 services, including the following disability services: case management; education and
5.14 training opportunities for direct care professionals; intermediate care facility services; all
5.15 service types described in section 256B.4914; transportation; prevocational rehabilitation;
5.16 and vocational exploration options provided to students in grades 7 through 12.

5.17 (d) Selected counties must review strengths and weaknesses of county-contracted and
5.18 county-employed case managers using information gathered directly from self-advocates,
5.19 families, and legal guardians. Selected counties must develop a plan to enhance the
5.20 knowledge and expertise of all case managers related to the needs and informed choices of
5.21 adults with intellectual or developmental disabilities and to hold case managers accountable
5.22 for ensuring people are making informed choices about their services.

5.23 (e) Selected counties must develop a plan to collaborate with existing regional higher
5.24 education providers for education and training of direct support professionals. The skills
5.25 targeted for improvement must include knowledge and understanding of the spectrum of
5.26 intellectual and developmental disabilities in adults.

5.27 (f) Selected counties must develop a plan to collaborate with an existing work options
5.28 provider to develop a business model that delivers a full array of work options, prevocational
5.29 rehabilitation, life enrichment, and day services programs. The county plan must identify
5.30 the employment status of people with intellectual or developmental disabilities who have
5.31 lost their chosen work option or day services and determine how to reengage them in their
5.32 work option or day service of choice.

(g) Selected counties must develop a plan to ensure the availability of a full array of housing options ranging from intermediate care facilities for people with developmental disabilities to independent living and home ownership with contracted provider services.

(h) Selected counties must develop a plan to collaborate with local school districts to offer vocational exploration opportunities for people with intellectual and developmental disabilities in grades 7 through 12.

(i) Selected counties must develop a plan to provide efficient and timely transportation that meets the needs and informed choices of people with an intellectual or developmental disability.

(j) When developing the plans described in this subdivision, selected counties must directly seek advice and counsel from self-advocates with intellectual or developmental disabilities, legal guardians, and families of people with an intellectual or developmental disability who are being served within the county.

(k) Each selected county must develop a plan to implement each of its proposed county disability services system reforms and identify the implementation costs. Each selected county must identify existing sources of funding and identify where an absence of funding or insufficient funding prohibits implementation of the proposed reforms.

Subd. 12. **Report.** By December 31 of each even-numbered year, the commission must submit a report on the commission's work and recommendations to the committees of the senate and house of representatives from which the commission membership is drawn according to subdivision 1. The standing human services committee of either chamber may request interim reports.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 2. Minnesota Statutes 2024, section 245A.03, is amended by adding a subdivision to read:

Subd. 7a. **Licensing moratorium exception; data-based county disability service reform sites.** (a) Notwithstanding subdivision 7 and section 256B.493, the commissioner must issue additional new foster care licenses or new community residential setting licenses requested by a local county board in a county disability services reform plan approved by the legislative commission on intellectual and developmental disabilities provided that the applicant meets all licensing requirements.

(b) Notwithstanding subdivision 7 and section 256B.493, new and existing foster care licenses and new and existing community residential setting licenses issued to providers in

counties with a county disability services reform plan approved by the legislative commission on intellectual and developmental disabilities are not subject to the commissioner's authority to delicense a setting or reduce licensed capacity following either a resource need determination process or when an adult resident served by the licensed program moves provided that in either case the licensee continues to meet all license requirements.

Sec. 3. Minnesota Statutes 2024, section 252.291, subdivision 1, is amended to read:

Subdivision 1. **Moratorium.** Notwithstanding any law or rule to the contrary, the commissioner of human services shall deny any request for a determination of need and refuse to grant a license pursuant to section 245A.02 for any new intermediate care facility for persons with developmental disabilities or for an increase in the licensed capacity of an existing facility except as provided in this subdivision and ~~subdivision 2~~ subdivisions 2 to 2c. The total number of certified intermediate care beds for persons with developmental disabilities in community facilities and state hospitals shall not exceed 7,000 beds plus the authorized new intermediate care beds under subdivision 2c, except that, to the extent that federal authorities disapprove any applications of the commissioner for home and community-based waivers under United States Code, title 42, section 1396n, as amended through December 31, 1987, the commissioner may authorize new intermediate care beds, as necessary, to serve persons with developmental disabilities who would otherwise have been served under a proposed waiver. "Certified bed" means an intermediate care bed for persons with developmental disabilities certified by the commissioner of health for the purposes of the medical assistance program under United States Code, title 42, sections 1396 to 1396p, as amended through December 31, 1987.

Sec. 4. Minnesota Statutes 2024, section 252.291, is amended by adding a subdivision to read:

Subd. 2c. **Exception for data-based county disability service reform sites.** (a) Notwithstanding subdivisions 1 and 2 and section 252.28, subdivision 3, the commissioner of health must issue a supervised living facility license under section 144.50, subdivision 7, and certify the setting as an intermediate care facility for persons with developmental disabilities, and the commissioner of human services must authorize and grant a license under chapter 245A, to a newly constructed or newly established publicly or privately operated community intermediate care facility for six or fewer persons with developmental disabilities, under the following circumstances:

(1) the license applicant meets all licensing and certification requirements; and

(2) the additional license is requested by a local county board in a county disability services reform plan approved by the legislative commission on intellectual and developmental disabilities.

(b) Notwithstanding section 252.28, subdivision 4, licenses and certifications issued under paragraph (a) are not subject to the authority of the commissioner of health or the commissioner of human services to involuntarily decertify or involuntary delicense an intermediate care facility for persons with developmental disabilities provided the licensee continues to meet the licensing and certification requirements.

**Sec. 5. DIRECTION TO COMMISSIONER OF HUMAN SERVICES;
PROHIBITION ON MODIFICATIONS TO DAY SERVICES.**

The commissioner of human services must not propose any rule or policy that modifies, reduces availability of, eliminates, or limits admission to any program that provides day treatment and habilitation services without consulting the legislative commission on intellectual and developmental disabilities. The commissioner of human services must receive explicit legislative authority to adopt any rule or implement any policy that modifies, reduces availability of, eliminates, or limits admission to programs that provide day treatment and habilitation services.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 6. DIRECTION TO COMMISSIONER OF EMPLOYMENT AND ECONOMIC DEVELOPMENT; PROHIBITION ON MODIFICATIONS TO VOCATIONAL REHABILITATION SERVICES.

The commissioner of employment and economic development must not propose any rule or policy that modifies, reduces availability of, eliminates, or limits admission to any program that provides prevocational rehabilitative services provided to people with intellectual or developmental disabilities without consulting the legislative commission on intellectual and developmental disabilities. The commissioner of employment and economic development must receive explicit legislative authority to adopt any rule or implement any policy that modifies, reduces availability of, eliminates, or limits admission to any program that provides prevocational rehabilitation services.

EFFECTIVE DATE. This section is effective the day following final enactment.

9.1 Sec. 7. **APPROPRIATION; LEGISLATIVE COMMISSION ON INTELLECTUAL**
9.2 **AND DEVELOPMENTAL DISABILITIES.**

9.3 (a) \$600,000 in fiscal year 2026 and \$600,000 in fiscal year 2027 are appropriated from
9.4 the general fund to the legislative commission on intellectual and developmental disabilities
9.5 for grants to data-based county disability services reform sites.

9.6 (b) \$300,000 in fiscal year 2026 and \$600,000 in fiscal year 2027 are appropriated from
9.7 the general fund to the legislative commission on intellectual and developmental disabilities
9.8 for administration.