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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3086

02/03/2022 Authored by Stephenson, Koegel and Albright
The bill was read for the first time and referred to the Committee on Human Services Finance and Policy

1.1 A bill for an act
1.2 relating to health; creating a Department of Behavioral Health; transferring duties
1.3 of a state agency; amending Minnesota Statutes 2020, section 15A.0815,
1.4 subdivision 2; Minnesota Statutes 2021 Supplement, sections 15.01; 15.06,
1.5 subdivision 1; 43A.08, subdivision 1a; proposing coding for new law as Minnesota
1.6 Statutes, chapter 256T.

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

1.8 Section 1. Minnesota Statutes 2021 Supplement, section 15.01, is amended to read:

1.9 15.01 DEPARTMENTS OF THE STATE.

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

1.20 EFFECTIVE DATE. This section is effective July 1, 2022.

2.1 Sec. 2. Minnesota Statutes 2021 Supplement, section 15.06, subdivision 1, is amended to  
2.2 read:

2.3 Subdivision 1. **Applicability.** This section applies to the following departments or  
2.4 agencies: the Departments of Administration, Agriculture, Behavioral Health, Commerce,  
2.5 Corrections, Education, Employment and Economic Development, Health, Human Rights,  
2.6 Labor and Industry, Management and Budget, Natural Resources, Public Safety, Human  
2.7 Services, Revenue, Transportation, and Veterans Affairs; the Housing Finance and Pollution  
2.8 Control Agencies; the Office of Commissioner of Iron Range Resources and Rehabilitation;  
2.9 the Department of Information Technology Services; the Bureau of Mediation Services;  
2.10 and their successor departments and agencies. The heads of the foregoing departments or  
2.11 agencies are "commissioners."

2.12 **EFFECTIVE DATE.** This section is effective July 1, 2022.

2.13 Sec. 3. Minnesota Statutes 2020, section 15A.0815, subdivision 2, is amended to read:

2.14 Subd. 2. **Group I salary limits.** The salary for a position listed in this subdivision shall  
2.15 not exceed 133 percent of the salary of the governor. This limit must be adjusted annually  
2.16 on January 1. The new limit must equal the limit for the prior year increased by the percentage  
2.17 increase, if any, in the Consumer Price Index for all urban consumers from October of the  
2.18 second prior year to October of the immediately prior year. The commissioner of management  
2.19 and budget must publish the limit on the department's website. This subdivision applies to  
2.20 the following positions:

2.21 Commissioner of administration;

2.22 Commissioner of agriculture;

2.23 Commissioner of behavioral health;

2.24 Commissioner of education;

2.25 Commissioner of commerce;

2.26 Commissioner of corrections;

2.27 Commissioner of health;

2.28 Commissioner, Minnesota Office of Higher Education;

2.29 Commissioner, Housing Finance Agency;

2.30 Commissioner of human rights;

2.31 Commissioner of human services;

- 3.1 Commissioner of labor and industry;
- 3.2 Commissioner of management and budget;
- 3.3 Commissioner of natural resources;
- 3.4 Commissioner, Pollution Control Agency;
- 3.5 Commissioner of public safety;
- 3.6 Commissioner of revenue;
- 3.7 Commissioner of employment and economic development;
- 3.8 Commissioner of transportation; and
- 3.9 Commissioner of veterans affairs.

3.10 **EFFECTIVE DATE.** This section is effective July 1, 2022.

3.11 Sec. 4. Minnesota Statutes 2021 Supplement, section 43A.08, subdivision 1a, is amended  
3.12 to read:

3.13 Subd. 1a. **Additional unclassified positions.** Appointing authorities for the following  
3.14 agencies may designate additional unclassified positions according to this subdivision: the  
3.15 Departments of Administration; Agriculture; Behavioral Health; Commerce; Corrections;  
3.16 Education; Employment and Economic Development; Explore Minnesota Tourism;  
3.17 Management and Budget; Health; Human Rights; Labor and Industry; Natural Resources;  
3.18 Public Safety; Human Services; Revenue; Transportation; and Veterans Affairs; the Housing  
3.19 Finance and Pollution Control Agencies; the State Lottery; the State Board of Investment;  
3.20 the Office of Administrative Hearings; the Department of Information Technology Services;  
3.21 the Offices of the Attorney General, Secretary of State, and State Auditor; the Minnesota  
3.22 State Colleges and Universities; the Minnesota Office of Higher Education; the Perpich  
3.23 Center for Arts Education; and the Minnesota Zoological Board.

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

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

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

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

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

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

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

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

4.10 **EFFECTIVE DATE.** This section is effective July 1, 2022.

4.11 **Sec. 5. [256T.01] DEPARTMENT OF BEHAVIORAL HEALTH.**

4.12 The Department of Behavioral Health is created. The governor shall appoint the  
4.13 commissioner of behavioral health under section 15.06. The commissioner shall administer:

4.14 (1) the behavioral health services under medical assistance program under chapters 256  
4.15 and 256B;

4.16 (2) the behavioral health services under MinnesotaCare program under chapter 256L;

4.17 (3) mental health and chemical dependency services under chapters 245, 245G, 253C,  
4.18 254A, and 254B; and

4.19 (4) behavioral health quality, behavioral health analysis, behavioral health economics,  
4.20 and related data collection initiatives under chapters 62J, 62U, and 144.

4.21 **EFFECTIVE DATE.** This section is effective July 1, 2022.

4.22 **Sec. 6. [256T.02] TRANSFER OF DUTIES.**

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

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

5.1 (c) The initial salary for the commissioner of behavioral health is the same as the salary  
5.2 for the commissioner of health. The salary may be changed in the manner specified in section  
5.3 15A.0815.

5.4 (d) For an employee affected by the transfer of duties required by this chapter, the  
5.5 seniority accrued by the employee at the employee's former agency transfers to the employee's  
5.6 new agency.

5.7 (e) The commissioner of management and budget must ensure that the aggregate cost  
5.8 for the commissioner of behavioral health is not more than the aggregate cost during the  
5.9 transition of creating the Department of Behavioral Health as it currently exists under the  
5.10 Department of Human Services and the Department of Health immediately before the  
5.11 effective date of this chapter, excluding any appropriation made during this legislative  
5.12 session.

5.13 **EFFECTIVE DATE.** This section is effective July 1, 2022.

5.14 Sec. 7. **REVISOR INSTRUCTION.**

5.15 The revisor of statutes, in consultation with staff from the House Research Department;  
5.16 House Fiscal Analysis; the Office of Senate Counsel, Research, and Fiscal Analysis; and  
5.17 the respective departments shall prepare legislation for introduction in the 2023 legislative  
5.18 session proposing the statutory changes needed to implement the transfers of duties required  
5.19 by this act.

5.20 **EFFECTIVE DATE.** This section is effective July 1, 2022.