SENATE STATE OF MINNESOTA EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1101

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DATE	D-PG	OFFICIAL STATUS
04/05/2011	1188	Introduction and first reading
		Referred to Health and Human Services
05/02/2011	1554a	Comm report: To pass as amended and re-refer to State Government Innovation and Veterans
05/03/2011	1669a	Comm report: To pass as amended and re-refer to Rules and Administration
05/09/2011	1804	Comm report: To pass
	1846	Second reading
05/20/2011	3027a	Special Order: Amended
	3028	Third reading Passed
		See SF760, Art. 6, Sec. 1, 43 (vetoed)

1.1 A bill for an act
1.2 relating to human services; establishing the My Life, My Choices Task Force;
1.3 authorizing performance-based organizations to provide services to people with
1.4 disabilities; requiring a report; proposing coding for new law in Minnesota
1.5 Statutes, chapter 15.

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

Section 1. [15.996] PERFORMANCE-BASED ORGANIZATIONS.

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Subdivision 1. **Designation.** The governor may designate one or more programs within the Department of Human Services and within up to two other executive branch state agencies whose missions involve people with disabilities as performance-based organizations. The goal of the performance-based organization designation is to provide the best services in the most cost-effective manner to people with disabilities. For a program that is designated as a performance-based organization, the agency providing services or another governmental or private organization under contract with the agency may enter into a performance-based agreement that allows the agency or the entity under contract with the agency more flexibility in its operations in exchange for a greater level of accountability. With any required legislative approval, a performance-based organization agreement may exempt an agency or an outside entity providing services from one or more procedural laws, rules, or policies that otherwise would govern the program.

Subd. 2. Performance-based organization agreement. Designation of a performance-based organization must be implemented through a performance-based organization agreement. A performance-based organization agreement may be between the governor and an agency, if an agency is to provide services under the agreement, or between an agency and an outside entity, if the outside entity is to provide the services. A performance-based organization agreement must:

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2.1	(1) describe the programs subject to the agreement;
2.2	(2) specify the procedural laws, rules, or policies that will not apply to the
2.3	performance-based organization, why waiver or variance from these laws, rules, or
2.4	policies is necessary to achieve desired outcomes, and a description of alternative means
2.5	of accomplishing the purposes of those laws, rules, or policies;
2.6	(3) contain procedures for oversight of the performance-based organization,
2.7	including requirements and procedures for program and financial audits;
2.8	(4) if the performance-based organization involves a nonstate entity, contain
2.9	provisions governing assumption of liability, and types and amounts of insurance coverage
2.10	to be obtained;
2.11	(5) specify the duration of the agreement; and
2.12	(6) specify measurable performance-based outcomes for achieving program
2.13	goals, time periods during which these outcomes will be measured and reported, and
2.14	consequences for not meeting the performance-based outcomes.
2.15	Subd. 3. Duration; legislative approval; reporting. (a) A performance-based
2.16	organization agreement may be up to three years, and may be renewed.
2.17	(b) The chief executive of the state agency whose program is subject to a
2.18	performance-based organization must report to the chairs and ranking minority members
2.19	of legislative policy and finance committees with jurisdiction over the program on the
2.20	proposed content of the performance-based organization, and specifically describing
2.21	any procedural laws, rules, and policies that will not apply. The legislature must
2.22	approve a performance-based organization before the state agency may enter into a
2.23	performance-based agreement.
2.24	Sec. 2. MY LIFE, MY CHOICES TASK FORCE.
2.25	Subdivision 1. Establishment. The My Life, My Choices Task Force is established
2.26	to create a system of supports and services for people with disabilities governed by the
2.27	following principles:
2.28	(1) freedom to act as a consumer of services in the marketplace;
2.29	(2) freedom to choose to take as much risk as any other citizen;
2.30	(3) more choices in levels of service that may vary throughout life;
2.31	(4) opportunity to work with a trusted advocate and fiscal support entity to manage a
2.32	personal budget and to be accountable for reporting spending and personal outcomes;
2.33	(5) opportunity to live with minimal constraints instead of minimal freedoms; and
2.34	(6) ability to consolidate funding streams into an individualized budget.
2.35	Subd. 2. Membership. The My Life, My Choices Task Force shall consist of:

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3.1	(1) the lieutenant governor;
3.2	(2) the commissioner of human services, or the commissioner's designee;
3.3	(3) a representative of the Minnesota Chamber of Commerce;
3.4	(4) seven members appointed by the governor as follows: one administrative law
3.5	judge, one labor representative, two family members of people with disabilities, and three
3.6	individual members with different disabilities;
3.7	(5) two members appointed by the speaker of the house as follows: a representative
3.8	of a disability advocacy organization, and a representative of a disability legal services
3.9	advocacy organization; and
3.10	(6) three members appointed by the majority leader of the senate, including two
3.11	representatives from nonprofit organizations, one of which serves all 87 counties, and a
3.12	representative of a philanthropic organization.
3.13	Appointed nongovernmental members of the task force shall serve as staff for the
3.14	task force and take on responsibilities of coordinating meetings, reporting on committee
3.15	recommendations, and providing other staff support as needed to meet the responsibilities
3.16	of the task force as described in subdivision 3. The chairs and ranking minority members
3.17	of the legislative committees with jurisdiction over health and human services policy and
3.18	finance shall serve as ex officio members.
3.19	Subd. 3. Duties. The task force shall make recommendations, including proposed
3.20	legislation, and report to the legislative committees with jurisdiction over health and
3.21	human services policy and finance by November 15, 2011, on creating a system of
3.22	supports and services for people with disabilities by July 1, 2012, as governed by the
3.23	principles under subdivision 1. In making recommendations and proposed legislation, the
3.24	council shall work in conjunction with the Consumer-Directed Community Supports Task
3.25	Force and shall include self-directed planning, individual budgeting, choice of trusted
3.26	partner, self-directed purchasing of services and supports, reporting of outcomes, ability to
3.27	share in any savings, and any additional rules or laws that may need to be waived.
3.28	Subd. 4. Expense reimbursement. The members of the task force shall not be
3.29	reimbursed for expenses related to the duties of the task force. The task force shall be
3.30	independently staffed and coordinated by nongovernmental appointees who serve on
3.31	the task force, and no state dollars shall be appropriated for expenses related to the task
3.32	force under this section.
3.33	Subd. 5. Expiration. The task force expires on July 1, 2013.
3.34	EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. 3