

165.19

**ARTICLE 7**

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**DEPARTMENT OF BEHAVIORAL HEALTH**

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

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**15.01 DEPARTMENTS OF THE STATE.**

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165.24 The following agencies are designated as the departments of the state government: the  
165.25 Department of Administration; the Department of Agriculture; the Department of Behavioral  
165.26 Health; the Department of Commerce; the Department of Corrections; the Department of  
165.27 Education; the Department of Employment and Economic Development; the Department  
165.28 of Health; the Department of Human Rights; the Department of Information Technology  
165.29 Services; the Department of Iron Range Resources and Rehabilitation; the Department of  
165.30 Labor and Industry; the Department of Management and Budget; the Department of Military  
165.31 Affairs; the Department of Natural Resources; the Department of Public Safety; the  
165.32 Department of Human Services; the Department of Revenue; the Department of  
Transportation; the Department of Veterans Affairs; and their successor departments.

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

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

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

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

166.14

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

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

Commissioner of administration;

- 166.23 Commissioner of agriculture;
- 166.24 Commissioner of behavioral health;
- 166.25 Commissioner of education;
- 166.26 Commissioner of commerce;
- 166.27 Commissioner of corrections;
- 166.28 Commissioner of health;
- 166.29 Commissioner, Minnesota Office of Higher Education;
- 166.30 Commissioner, Housing Finance Agency;
- 167.1 Commissioner of human rights;
- 167.2 Commissioner of human services;
- 167.3 Commissioner of labor and industry;
- 167.4 Commissioner of management and budget;
- 167.5 Commissioner of natural resources;
- 167.6 Commissioner, Pollution Control Agency;
- 167.7 Commissioner of public safety;
- 167.8 Commissioner of revenue;
- 167.9 Commissioner of employment and economic development;
- 167.10 Commissioner of transportation; and
- 167.11 Commissioner of veterans affairs.
- 167.12 **EFFECTIVE DATE.** This section is effective July 1, 2022.
- 167.13 Sec. 4. Minnesota Statutes 2021 Supplement, section 43A.08, subdivision 1a, is amended
- 167.14 to read:
- 167.15 Subd. 1a. **Additional unclassified positions.** Appointing authorities for the following
- 167.16 agencies may designate additional unclassified positions according to this subdivision: the
- 167.17 Departments of Administration; Agriculture; Behavioral Health; Commerce; Corrections;
- 167.18 Education; Employment and Economic Development; Explore Minnesota Tourism;
- 167.19 Management and Budget; Health; Human Rights; Labor and Industry; Natural Resources;
- 167.20 Public Safety; Human Services; Revenue; Transportation; and Veterans Affairs; the Housing
- 167.21 Finance and Pollution Control Agencies; the State Lottery; the State Board of Investment;
- 167.22 the Office of Administrative Hearings; the Department of Information Technology Services;
- 167.23 the Offices of the Attorney General, Secretary of State, and State Auditor; the Minnesota

167.24 State Colleges and Universities; the Minnesota Office of Higher Education; the Perpich  
167.25 Center for Arts Education; and the Minnesota Zoological Board.

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

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

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

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

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

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

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

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

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

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

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

168.18 (1) the behavioral health services under the medical assistance program under chapters  
168.19 256 and 256B;

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

168.21 (3) mental health and chemical dependency services under chapters 245, 245G, 253C,  
168.22 254A, and 254B; and

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

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

168.26 Sec. 6. **[256T.02] TRANSFER.**

168.27 (a) Section 15.039 applies to the transfer under this chapter.

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

169.3 (c) The initial salary for the commissioner of behavioral health is the same as the salary  
169.4 for the commissioner of health. The salary may be changed in the manner specified in section  
169.5 15A.0815.

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

169.9 (e) The commissioner of management and budget must ensure that the aggregate cost  
169.10 for the commissioner of behavioral health is not more than the aggregate cost during the  
169.11 transition of creating the Department of Behavioral Health as it currently exists under the  
169.12 Department of Human Services and the Department of Health immediately before the  
169.13 effective date of this chapter, excluding any appropriation made during the 2022 legislative  
169.14 session.

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

169.16 Sec. 7. **REVISOR INSTRUCTION.**

169.17 The revisor of statutes, in consultation with staff from the House Research Department;  
169.18 House Fiscal Analysis; the Office of Senate Counsel, Research, and Fiscal Analysis; and  
169.19 the respective departments shall prepare legislation for introduction in the 2023 legislative  
169.20 session proposing the statutory changes needed to implement the transfers of duties required  
169.21 for the creation of the Department of Behavioral Health.

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