

- 214.10
- ARTICLE 9
- 214.11
- DEPARTMENT OF DIRECT CARE AND TREATMENT CONFORMING CHANGES
- 214.12
- Section 1. Minnesota Statutes 2024, section 15A.0815, subdivision 2, is amended to read:
- 214.13
- Subd. 2. Agency head salaries. The salary for a position listed in this subdivision shall
- 214.14
- be determined by the Compensation Council under section 15A.082. The commissioner of
- 214.15
- management and budget must publish the salaries on the department's website. This
- 214.16
- subdivision applies to the following positions:
- 214.17
- Commissioner of administration;
- 214.18
- Commissioner of agriculture;
- 214.19
- Commissioner of education;
- 214.20
- Commissioner of children, youth, and families;
- 214.21
- Commissioner of commerce;
- 214.22
- Commissioner of corrections;
- 214.23
- Commissioner of health;
- 214.24
- Commissioner, Minnesota Office of Higher Education;
- 214.25
- Commissioner, Minnesota IT Services;
- 214.26
- Commissioner, Housing Finance Agency;
- 214.27
- Commissioner of human rights;
- 214.28
- Commissioner of human services;
- 215.1
- Commissioner of labor and industry;
- 215.2
- Commissioner of management and budget;
- 215.3
- Commissioner of natural resources;
- 215.4
- Commissioner, Pollution Control Agency;
- 215.5
- Commissioner of public safety;
- 215.6
- Commissioner of revenue;
- 215.7
- Commissioner of employment and economic development;
- 215.8
- Commissioner of transportation;
- 215.9
- Commissioner of veterans affairs;

- 215.10 Commissioner of direct care and treatment;
- 215.11 Executive director of the Gambling Control Board;
- 215.12 Executive director of the Minnesota State Lottery;
- 215.13 Executive director of the Office of Cannabis Management;
- 215.14 Commissioner of Iron Range resources and rehabilitation;
- 215.15 Commissioner, Bureau of Mediation Services;
- 215.16 Ombudsman for mental health and developmental disabilities;
- 215.17 Ombudsperson for corrections;
- 215.18 Chair, Metropolitan Council;
- 215.19 Chair, Metropolitan Airports Commission;
- 215.20 School trust lands director;
- 215.21 Executive director of pari-mutuel racing;
- 215.22 Commissioner, Public Utilities Commission;
- 215.23 ~~Chief Executive Officer, Direct Care and Treatment;~~ and
- 215.24 Director of the Office of Emergency Medical Services.
- 215.25 **EFFECTIVE DATE.** This section is effective July 1, 2025, except the amendment
- 215.26 striking "Chief Executive Officer, Direct Care and Treatment;" is effective retroactively
- 215.27 from July 1, 2024.
- 216.1 Sec. 2. Minnesota Statutes 2024, section 15A.082, subdivision 1, is amended to read:
- 216.2 Subdivision 1. **Creation.** A Compensation Council is created each odd-numbered year
- 216.3 to establish the compensation of constitutional officers and the heads of state and metropolitan
- 216.4 agencies identified in section 15A.0815; and to assist the legislature in establishing the
- 216.5 compensation of justices of the supreme court and judges of the court of appeals and district
- 216.6 court, and to determine the daily compensation for voting members of the Direct Care and
- 216.7 Treatment executive board.
- 216.8 Sec. 3. Minnesota Statutes 2024, section 15A.082, subdivision 3, is amended to read:
- 216.9 Subd. 3. **Submission of recommendations and determination.** (a) By April 1 in each
- 216.10 odd-numbered year, the Compensation Council shall submit to the speaker of the house and
- 216.11 the president of the senate salary recommendations for justices of the supreme court, and
- 216.12 judges of the court of appeals and district court. The recommended salaries take effect on
- 216.13 July 1 of that year and July 1 of the subsequent even-numbered year and at whatever interval
- 216.14 the council recommends thereafter, unless the legislature by law provides otherwise. The

216.15 salary recommendations take effect if an appropriation of money to pay the recommended
216.16 salaries is enacted after the recommendations are submitted and before their effective date.
216.17 Recommendations may be expressly modified or rejected.

216.18 (b) By April 1 in each odd-numbered year, the Compensation Council must prescribe
216.19 salaries for constitutional officers, and for the agency and metropolitan agency heads
216.20 identified in section 15A.0815. The prescribed salary for each office must take effect July
216.21 1 of that year and July 1 of the subsequent even-numbered year and at whatever interval
216.22 the council determines thereafter, unless the legislature by law provides otherwise. An
216.23 appropriation by the legislature to fund the relevant office, branch, or agency of an amount
216.24 sufficient to pay the salaries prescribed by the council constitutes a prescription by law as
216.25 provided in the Minnesota Constitution, article V, sections 4 and 5.

216.26 ~~(c) By April 1 in each odd-numbered year, the Compensation Council must prescribe~~
216.27 ~~daily compensation for voting members of the Direct Care and Treatment executive board.~~
216.28 ~~The recommended daily compensation takes effect on July 1 of that year and July 1 of the~~
216.29 ~~subsequent even-numbered year and at whatever interval the council recommends thereafter,~~
216.30 ~~unless the legislature by law provides otherwise.~~

216.31 Sec. 4. Minnesota Statutes 2024, section 15A.082, subdivision 7, is amended to read:

216.32 Subd. 7. **No ex parte communications.** Members may not have any communication
216.33 with a constitutional officer, a head of a state agency, or a member of the judiciary, ~~or a~~
217.1 ~~member of the Direct Care and Treatment executive board~~ during the period after the first
217.2 meeting is convened under this section and the date the prescribed and recommended salaries
217.3 and daily compensation are submitted under subdivision 3.

217.4 Sec. 5. Minnesota Statutes 2024, section 43A.08, subdivision 1, is amended to read:

217.5 Subdivision 1. **Unclassified positions.** Unclassified positions are held by employees
217.6 who are:

217.7 (1) chosen by election or appointed to fill an elective office;

217.8 (2) heads of agencies required by law to be appointed by the governor or other elective
217.9 officers, and the executive or administrative heads of departments, bureaus, divisions, and
217.10 institutions specifically established by law in the unclassified service;

217.11 (3) deputy and assistant agency heads and one confidential secretary in the agencies
217.12 listed in subdivision 1a;

217.13 (4) the confidential secretary to each of the elective officers of this state and, for the
217.14 secretary of state and state auditor, an additional deputy, clerk, or employee;

217.15 (5) intermittent help employed by the commissioner of public safety to assist in the
217.16 issuance of vehicle licenses;

- 217.17 (6) employees in the offices of the governor and of the lieutenant governor and one
217.18 confidential employee for the governor in the Office of the Adjutant General;
- 217.19 (7) employees of the Washington, D.C., office of the state of Minnesota;
- 217.20 (8) employees of the legislature and of legislative committees or commissions; provided
217.21 that employees of the Legislative Audit Commission, except for the legislative auditor, the
217.22 deputy legislative auditors, and their confidential secretaries, shall be employees in the
217.23 classified service;
- 217.24 (9) presidents, vice-presidents, deans, other managers and professionals in academic
217.25 and academic support programs, administrative or service faculty, teachers, research
217.26 assistants, and student employees eligible under terms of the federal Economic Opportunity
217.27 Act work study program in the Perpich Center for Arts Education and the Minnesota State
217.28 Colleges and Universities, but not the custodial, clerical, or maintenance employees, or any
217.29 professional or managerial employee performing duties in connection with the business
217.30 administration of these institutions;
- 217.31 (10) officers and enlisted persons in the National Guard;
- 218.1 (11) attorneys, legal assistants, and three confidential employees appointed by the attorney
218.2 general or employed with the attorney general's authorization;
- 218.3 (12) judges and all employees of the judicial branch, referees, receivers, jurors, and
218.4 notaries public, except referees and adjusters employed by the Department of Labor and
218.5 Industry;
- 218.6 (13) members of the State Patrol; provided that selection and appointment of State Patrol
218.7 troopers must be made in accordance with applicable laws governing the classified service;
- 218.8 (14) examination monitors and intermittent training instructors employed by the
218.9 Departments of Management and Budget and Commerce and by professional examining
218.10 boards and intermittent staff employed by the technical colleges for the administration of
218.11 practical skills tests and for the staging of instructional demonstrations;
- 218.12 (15) student workers;
- 218.13 (16) executive directors or executive secretaries appointed by and reporting to any
218.14 policy-making board or commission established by statute;
- 218.15 (17) employees unclassified pursuant to other statutory authority;
- 218.16 (18) intermittent help employed by the commissioner of agriculture to perform duties
218.17 relating to pesticides, fertilizer, and seed regulation;
- 218.18 (19) the administrators and the deputy administrators at the State Academies for the
218.19 Deaf and the Blind; and

218.20 (20) the chief executive officer of Direct Care and Treatment who serves as the deputy
218.21 agency head.

218.22 Sec. 6. Minnesota Statutes 2024, section 43A.08, subdivision 1a, is amended to read:

218.23 Subd. 1a. **Additional unclassified positions.** Appointing authorities for the following
218.24 agencies may designate additional unclassified positions according to this subdivision: the
218.25 Departments of Administration; Agriculture; Children, Youth, and Families; Commerce;
218.26 Corrections; Direct Care and Treatment; Education; Employment and Economic
218.27 Development; Explore Minnesota Tourism; Management and Budget; Health; Human
218.28 Rights; Human Services; Labor and Industry; Natural Resources; Public Safety; Revenue;
218.29 Transportation; and Veterans Affairs; the Housing Finance and Pollution Control Agencies;
218.30 the State Lottery; the State Board of Investment; the Office of Administrative Hearings; the
218.31 Department of Information Technology Services; the Offices of the Attorney General,
218.32 Secretary of State, and State Auditor; the Minnesota State Colleges and Universities; the
219.1 Minnesota Office of Higher Education; the Perpich Center for Arts Education; ~~Direct Care~~
219.2 ~~and Treatment~~; the Minnesota Zoological Board; and the Office of Emergency Medical
219.3 Services.

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

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

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

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

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

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

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

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

219.21 Sec. 7. Minnesota Statutes 2024, section 245.021, is amended to read:

219.22 **245.021 DEFINITIONS DEFINITION.**

219.23 (a) For the purposes of this chapter, the ~~definitions~~ definition in this section ~~have~~ has
219.24 ~~the meanings meaning given them.~~

219.25 (b) "Commissioner" means the commissioner of human services.

219.26 ~~(c) "Executive board" has the meaning given in section 246C.015.~~

219.27 Sec. 8. Minnesota Statutes 2024, section 245.073, is amended to read:

219.28 **245.073 TECHNICAL TRAINING; COMMUNITY-BASED PROGRAMS.**

219.29 (a) In conjunction with the discharge of persons from regional treatment centers and
219.30 their admission to state-operated and privately operated community-based programs, the
220.1 commissioner may provide technical training assistance to the community-based programs.
220.2 The commissioner may apply for and accept money from any source including reimbursement
220.3 charges from the community-based programs for reasonable costs of training. Money
220.4 received must be deposited in the general fund and is appropriated annually to the
220.5 commissioner of human services for training under this section.

220.6 (b) The commissioner must coordinate with the ~~executive board~~ commissioner of direct
220.7 care and treatment or the commissioner's designee to provide technical training assistance
220.8 to community-based programs under this section and section 246C.11, subdivision 5.

220.9 Sec. 9. Minnesota Statutes 2024, section 246.13, subdivision 1, is amended to read:

220.10 Subdivision 1. ~~Executive board Record responsibilities.~~ (a) The chief executive officer
220.11 or a designee shall have, accessible only by consent of the ~~executive board~~ commissioner
220.12 or on the order of a judge or court of record, a record showing:

220.13 (1) the residence, sex, age, nativity, occupation, civil condition, and date of entrance or
220.14 commitment of every person, in the state-operated services facilities as defined under section
220.15 246C.02 under exclusive control of the ~~executive board~~ commissioner;

220.16 (2) the date of discharge of any such person and whether such discharge was final;

220.17 (3) the condition of the person when the person left the state-operated services facility;

220.18 (4) the vulnerable adult abuse prevention associated with the person; and

220.19 (5) the date and cause of any death of such person.

220.20 (b) The record in paragraph (a) must state every transfer of a person from one
220.21 state-operated services facility to another, naming each state-operated services facility. The
220.22 head of each facility or a designee must provide this transfer information to the ~~executive~~
220.23 ~~board~~ commissioner, along with other obtainable facts as the ~~executive board~~ commissioner
220.24 requests.

- 220.25 (c) The head of the state-operated services facility or designee shall inform the ~~executive~~
220.26 ~~board~~ commissioner of any discharge, transfer, or death of a person in that facility within
220.27 ten days of the date of discharge, transfer, or death in a manner determined by the ~~executive~~
220.28 ~~board~~ commissioner.
- 220.29 (d) The ~~executive board~~ commissioner shall maintain an adequate system of records and
220.30 statistics for all basic record forms, including patient personal records and medical record
220.31 forms. The use and maintenance of such records must be consistent throughout all
220.32 state-operated services facilities.
- 221.1 Sec. 10. Minnesota Statutes 2024, section 246B.01, is amended by adding a subdivision
221.2 to read:
- 221.3 Subd. 2e. **Commissioner.** "Commissioner" means the commissioner of direct care and
221.4 treatment.
- 221.5 Sec. 11. Minnesota Statutes 2024, section 252.021, is amended by adding a subdivision
221.6 to read:
- 221.7 Subd. 4. **Commissioner.** "Commissioner" means the commissioner of human services.
- 221.8 Sec. 12. Minnesota Statutes 2024, section 252.50, subdivision 5, is amended to read:
- 221.9 Subd. 5. **Location of programs.** (a) In determining the location of state-operated,
221.10 community-based programs, the needs of the individual client shall be paramount. The
221.11 ~~executive board~~ commissioner of direct care and treatment shall also take into account:
- 221.12 (1) prioritization of beds in state-operated, community-based programs for individuals
221.13 with complex behavioral needs that cannot be met by private community-based providers;
- 221.14 (2) choices made by individuals who chose to move to a more integrated setting, and
221.15 shall coordinate with the lead agency to ensure that appropriate person-centered transition
221.16 plans are created;
- 221.17 (3) the personal preferences of the persons being served and their families as determined
221.18 by Minnesota Rules, parts 9525.0004 to 9525.0036;
- 221.19 (4) the location of the support services established by the individual service plans of the
221.20 persons being served;
- 221.21 (5) the appropriate grouping of the persons served;
- 221.22 (6) the availability of qualified staff;
- 221.23 (7) the need for state-operated, community-based programs in the geographical region
221.24 of the state; and
- 221.25 (8) a reasonable commuting distance from a regional treatment center or the residences
221.26 of the program staff.

221.27 (b) The ~~executive board~~ commissioner of direct care and treatment must locate
221.28 state-operated, community-based programs in coordination with the commissioner of human
221.29 services according to section 252.28.

222.1 Sec. 13. Minnesota Statutes 2024, section 253.195, is amended by adding a subdivision
222.2 to read:

222.3 Subd. 2a. **Commissioner.** "Commissioner" means the commissioner of direct care and
222.4 treatment.

222.5 Sec. 14. Minnesota Statutes 2024, section 253B.02, is amended by adding a subdivision
222.6 to read:

222.7 Subd. 2a. **Commissioner.** "Commissioner" means the commissioner of direct care and
222.8 treatment.

222.9 Sec. 15. Minnesota Statutes 2024, section 253B.02, subdivision 3, is amended to read:

222.10 Subd. 3. **Commissioner of human services.** "Commissioner of human services" means
222.11 the commissioner of human services or the commissioner's designee.

222.12 Sec. 16. Minnesota Statutes 2024, section 253B.02, subdivision 4c, is amended to read:

222.13 Subd. 4c. **County of financial responsibility.** (a) "County of financial responsibility"
222.14 has the meaning specified in chapter 256G. This definition does not require that the person
222.15 qualifies for or receives any other form of financial, medical, or social service assistance
222.16 in addition to the services under this chapter. Disputes about the county of financial
222.17 responsibility shall be submitted for determination to the ~~executive board~~ commissioner
222.18 through the commissioner of human services in the manner prescribed in section 256G.09.

222.19 (b) For purposes of proper venue for filing a petition pursuant to section 253B.064,
222.20 subdivision 1, paragraph (a); 253B.07, subdivision 1, paragraph (a); or 253D.07, where the
222.21 designated agency of a county has determined that it is the county of financial responsibility,
222.22 then that county is the county of financial responsibility until a different determination is
222.23 made by the appropriate county agencies or the commissioner of human services pursuant
222.24 to chapter 256G.

222.25 Sec. 17. Minnesota Statutes 2024, section 253B.03, subdivision 7, is amended to read:

222.26 Subd. 7. **Treatment plan.** A patient receiving services under this chapter has the right
222.27 to receive proper care and treatment, best adapted, according to contemporary professional
222.28 standards, to rendering further supervision unnecessary. The treatment facility, state-operated
222.29 treatment program, or community-based treatment program shall devise a written treatment
222.30 plan for each patient which describes in behavioral terms the case problems, the precise
222.31 goals, including the expected period of time for treatment, and the specific measures to be
223.1 employed. The development and review of treatment plans must be conducted as required
223.2 under the license or certification of the treatment facility, state-operated treatment program,
223.3 or community-based treatment program. If there are no review requirements under the

223.4 license or certification, the treatment plan must be reviewed quarterly. The treatment plan
223.5 shall be devised and reviewed with the designated agency and with the patient. The clinical
223.6 record shall reflect the treatment plan review. If the designated agency or the patient does
223.7 not participate in the planning and review, the clinical record shall include reasons for
223.8 nonparticipation and the plans for future involvement. The commissioner of human services
223.9 shall monitor the treatment plan and review process for state-operated treatment programs
223.10 to ensure compliance with the provisions of this subdivision.

223.11 Sec. 18. Minnesota Statutes 2024, section 253B.041, subdivision 4, is amended to read:

223.12 Subd. 4. **Evaluation.** Counties may, but are not required to, provide engagement services.
223.13 The commissioner of human services may conduct a pilot project evaluating the impact of
223.14 engagement services in decreasing commitments, increasing engagement in treatment, and
223.15 other measures.

223.16 Sec. 19. Minnesota Statutes 2024, section 253B.09, subdivision 3a, is amended to read:

223.17 Subd. 3a. **Reporting judicial commitments; private treatment program or**
223.18 **facility.** Notwithstanding section 253B.23, subdivision 9, when a court commits a patient
223.19 to a non-state-operated treatment facility or program, the court shall report the commitment
223.20 to the commissioner through the supreme court information system for purposes of providing
223.21 commitment information for firearm background checks under section 246C.15. If the
223.22 patient is committed to a state-operated treatment program, the court shall send a copy of
223.23 the commitment order to the commissioner and the executive board.

223.24 Sec. 20. Minnesota Statutes 2024, section 253B.18, subdivision 6, is amended to read:

223.25 Subd. 6. **Transfer.** (a) A patient who is a person who has a mental illness and is
223.26 dangerous to the public shall not be transferred out of a secure treatment facility unless it
223.27 appears to the satisfaction of the executive board commissioner, after a hearing and favorable
223.28 recommendation by a majority of the special review board, that the transfer is appropriate.
223.29 Transfer may be to another state-operated treatment program. In those instances where a
223.30 commitment also exists to the Department of Corrections, transfer may be to a facility
223.31 designated by the commissioner of corrections.

224.1 (b) The following factors must be considered in determining whether a transfer is
224.2 appropriate:

224.3 (1) the person's clinical progress and present treatment needs;

224.4 (2) the need for security to accomplish continuing treatment;

224.5 (3) the need for continued institutionalization;

224.6 (4) which facility can best meet the person's needs; and

224.7 (5) whether transfer can be accomplished with a reasonable degree of safety for the
224.8 public.

224.9 (c) If a committed person has been transferred out of a secure treatment facility pursuant
224.10 to this subdivision, that committed person may voluntarily return to a secure treatment
224.11 facility for a period of up to 60 days with the consent of the head of the treatment facility.

224.12 (d) If the committed person is not returned to the original, nonsecure transfer facility
224.13 within 60 days of being readmitted to a secure treatment facility, the transfer is revoked and
224.14 the committed person must remain in a secure treatment facility. The committed person
224.15 must immediately be notified in writing of the revocation.

224.16 (e) Within 15 days of receiving notice of the revocation, the committed person may
224.17 petition the special review board for a review of the revocation. The special review board
224.18 shall review the circumstances of the revocation and shall recommend to the commissioner
224.19 whether or not the revocation should be upheld. The special review board may also
224.20 recommend a new transfer at the time of the revocation hearing.

224.21 (f) No action by the special review board is required if the transfer has not been revoked
224.22 and the committed person is returned to the original, nonsecure transfer facility with no
224.23 substantive change to the conditions of the transfer ordered under this subdivision.

224.24 (g) The head of the treatment facility may revoke a transfer made under this subdivision
224.25 and require a committed person to return to a secure treatment facility if:

224.26 (1) remaining in a nonsecure setting does not provide a reasonable degree of safety to
224.27 the committed person or others; or

224.28 (2) the committed person has regressed clinically and the facility to which the committed
224.29 person was transferred does not meet the committed person's needs.

224.30 (h) Upon the revocation of the transfer, the committed person must be immediately
224.31 returned to a secure treatment facility. A report documenting the reasons for revocation
224.32 must be issued by the head of the treatment facility within seven days after the committed
225.1 person is returned to the secure treatment facility. Advance notice to the committed person
225.2 of the revocation is not required.

225.3 (i) The committed person must be provided a copy of the revocation report and informed,
225.4 orally and in writing, of the rights of a committed person under this section. The revocation
225.5 report must be served upon the committed person, the committed person's counsel, and the
225.6 designated agency. The report must outline the specific reasons for the revocation, including
225.7 but not limited to the specific facts upon which the revocation is based.

225.8 (j) If a committed person's transfer is revoked, the committed person may re-petition for
225.9 transfer according to subdivision 5.

225.10 (k) A committed person aggrieved by a transfer revocation decision may petition the
225.11 special review board within seven business days after receipt of the revocation report for a
225.12 review of the revocation. The matter must be scheduled within 30 days. The special review
225.13 board shall review the circumstances leading to the revocation and, after considering the
225.14 factors in paragraph (b), shall recommend to the commissioner whether or not the revocation

225.15 shall be upheld. The special review board may also recommend a new transfer out of a
225.16 secure treatment facility at the time of the revocation hearing.

225.17 Sec. 21. Minnesota Statutes 2024, section 253B.19, subdivision 2, is amended to read:

225.18 Subd. 2. **Petition; hearing.** (a) A patient committed as a person who has a mental illness
225.19 and is dangerous to the public under section 253B.18, or the county attorney of the county
225.20 from which the patient was committed or the county of financial responsibility, may petition
225.21 the judicial appeal panel for a rehearing and reconsideration of a decision by the
225.22 commissioner under section 253B.18, subdivision 5. The judicial appeal panel must not
225.23 consider petitions for relief other than those considered by the ~~executive board~~ commissioner
225.24 from which the appeal is taken. The petition must be filed with the supreme court within
225.25 30 days after the decision of the ~~executive board~~ commissioner is signed. The hearing must
225.26 be held within 45 days of the filing of the petition unless an extension is granted for good
225.27 cause.

225.28 (b) For an appeal under paragraph (a), the supreme court shall refer the petition to the
225.29 chief judge of the judicial appeal panel. The chief judge shall notify the patient, the county
225.30 attorney of the county of commitment, the designated agency, the ~~executive board~~
225.31 commissioner, the head of the facility or program to which the patient was committed, any
225.32 interested person, and other persons the chief judge designates, of the time and place of the
225.33 hearing on the petition. The notice shall be given at least 14 days prior to the date of the
225.34 hearing.

226.1 (c) Any person may oppose the petition. The patient, the patient's counsel, the county
226.2 attorney of the committing county or the county of financial responsibility, and the ~~executive~~
226.3 ~~board~~ commissioner shall participate as parties to the proceeding pending before the judicial
226.4 appeal panel and shall, except when the patient is committed solely as a person who has a
226.5 mental illness and is dangerous to the public, no later than 20 days before the hearing on
226.6 the petition, inform the judicial appeal panel and the opposing party in writing whether they
226.7 support or oppose the petition and provide a summary of facts in support of their position.
226.8 The judicial appeal panel may appoint court examiners and may adjourn the hearing from
226.9 time to time. It shall hear and receive all relevant testimony and evidence and make a record
226.10 of all proceedings. The patient, the patient's counsel, and the county attorney of the
226.11 committing county or the county of financial responsibility have the right to be present and
226.12 may present and cross-examine all witnesses and offer a factual and legal basis in support
226.13 of their positions. The petitioning party seeking discharge or provisional discharge bears
226.14 the burden of going forward with the evidence, which means presenting a prima facie case
226.15 with competent evidence to show that the person is entitled to the requested relief. If the
226.16 petitioning party has met this burden, the party opposing discharge or provisional discharge
226.17 bears the burden of proof by clear and convincing evidence that the discharge or provisional
226.18 discharge should be denied. A party seeking transfer under section 253B.18, subdivision 6,
226.19 must establish by a preponderance of the evidence that the transfer is appropriate.

- 226.20 Sec. 22. Minnesota Statutes 2024, section 253B.20, subdivision 2, is amended to read:
- 226.21 Subd. 2. **Necessities.** (a) The state-operated treatment program shall make necessary
- 226.22 arrangements at the expense of the state to insure that no patient is discharged or provisionally
- 226.23 discharged without suitable clothing. The head of the state-operated treatment program
- 226.24 shall, if necessary, provide the patient with a sufficient sum of money to secure transportation
- 226.25 home, or to another destination of the patient's choice, if the destination is located within a
- 226.26 reasonable distance of the state-operated treatment program.
- 226.27 (b) The commissioner of human services shall establish procedures by rule to help the
- 226.28 patient receive all public assistance benefits provided by state or federal law to which the
- 226.29 patient is entitled by residence and circumstances. The rule shall be uniformly applied in
- 226.30 all counties. All counties shall provide temporary relief whenever necessary to meet the
- 226.31 intent of this subdivision.
- 226.32 (c) The commissioner of human services and the ~~executive board~~ commissioner may
- 226.33 adopt joint rules necessary to accomplish the requirements under paragraph (b).
- 227.1 Sec. 23. Minnesota Statutes 2024, section 253D.02, is amended by adding a subdivision
- 227.2 to read:
- 227.3 Subd. 2a. **Commissioner.** "Commissioner" means the commissioner of direct care and
- 227.4 treatment.
- 227.5 Sec. 24. Minnesota Statutes 2024, section 253D.02, subdivision 3, is amended to read:
- 227.6 Subd. 3. **Commissioner of corrections.** "Commissioner of corrections" means the
- 227.7 commissioner of corrections or the commissioner's designee.
- 227.8 Sec. 25. Minnesota Statutes 2024, section 254B.05, subdivision 4, is amended to read:
- 227.9 Subd. 4. **Regional treatment centers.** Regional treatment center substance use disorder
- 227.10 treatment units are eligible vendors. The ~~executive board~~ commissioner of direct care and
- 227.11 treatment may expand the capacity of substance use disorder treatment units beyond the
- 227.12 capacity funded by direct legislative appropriation to serve individuals who are referred for
- 227.13 treatment by counties and whose treatment will be paid for by funding under this chapter
- 227.14 or other funding sources. Notwithstanding the provisions of sections 254B.03 to 254B.04,
- 227.15 payment for any person committed at county request to a regional treatment center under
- 227.16 chapter 253B for chemical dependency treatment and determined to be ineligible under the
- 227.17 behavioral health fund, shall become the responsibility of the county.
- 227.18 Sec. 26. Minnesota Statutes 2024, section 256.045, is amended by adding a subdivision
- 227.19 to read:
- 227.20 Subd. 1b. **Commissioner.** For purposes of this section, "commissioner" means the
- 227.21 commissioner of human services.

227.22 Sec. 27. Minnesota Statutes 2024, section 256.045, subdivision 6, is amended to read:

227.23 Subd. 6. **Additional powers of commissioner; subpoenas.** (a) The commissioner of
227.24 human services, the commissioner of health for matters within the commissioner's jurisdiction
227.25 under subdivision 3b, or the ~~Direct Care and Treatment executive board~~ commissioner of
227.26 direct care and treatment for matters within the commissioner's jurisdiction ~~of the executive~~
227.27 ~~board~~ under subdivision 5a, may initiate a review of any action or decision of a county
227.28 agency and direct that the matter be presented to a state human services judge for a hearing
227.29 held under subdivision 3, 3a, 3b, or 4a. In all matters dealing with human services committed
227.30 by law to the discretion of the county agency, the judgment of the applicable commissioner
228.1 ~~or executive board~~ may be substituted for that of the county agency. The applicable
228.2 commissioner ~~or executive board~~ may order an independent examination when appropriate.

228.3 (b) Any party to a hearing held pursuant to subdivision 3, 3a, 3b, or 4a may request that
228.4 the applicable commissioner ~~or executive board~~ issue a subpoena to compel the attendance
228.5 of witnesses and the production of records at the hearing. A local agency may request that
228.6 the applicable commissioner ~~or executive board~~ issue a subpoena to compel the release of
228.7 information from third parties prior to a request for a hearing under section 256.046 upon
228.8 a showing of relevance to such a proceeding. The issuance, service, and enforcement of
228.9 subpoenas under this subdivision is governed by section 357.22 and the Minnesota Rules
228.10 of Civil Procedure.

228.11 (c) The commissioner of human services may issue a temporary order staying a proposed
228.12 demission by a residential facility licensed under chapter 245A:

228.13 (1) while an appeal by a recipient under subdivision 3 is pending;

228.14 (2) for the period of time necessary for the case management provider to implement the
228.15 commissioner's order; or

228.16 (3) for appeals under subdivision 3, paragraph (a), clause (11), when the individual is
228.17 seeking a temporary stay of demission on the basis that the county has not yet finalized an
228.18 alternative arrangement for a residential facility, a program, or services that will meet the
228.19 assessed needs of the individual by the effective date of the service termination, a temporary
228.20 stay of demission may be issued for no more than 30 calendar days to allow for such
228.21 arrangements to be finalized.

228.22 Sec. 28. Minnesota Statutes 2024, section 256.045, subdivision 7, is amended to read:

228.23 Subd. 7. **Judicial review.** Except for a prepaid health plan, any party who is aggrieved
228.24 by an order of the commissioner of human services; the commissioner of health; or the
228.25 commissioner of children, youth, and families in appeals within the commissioner's
228.26 jurisdiction under subdivision 3b; or the ~~Direct Care and Treatment executive board~~
228.27 commissioner of direct care and treatment in appeals within the commissioner's jurisdiction
228.28 ~~of the executive board~~ under subdivision 5a may appeal the order to the district court of the
228.29 county responsible for furnishing assistance, or, in appeals under subdivision 3b, the county
228.30 where the maltreatment occurred, by serving a written copy of a notice of appeal upon the

228.31 applicable commissioner ~~or executive board~~ and any adverse party of record within 30 days
228.32 after the date the commissioner ~~or executive board~~ issued the order, the amended order, or
228.33 order affirming the original order, and by filing the original notice and proof of service with
229.1 the court administrator of the district court. Service may be made personally or by mail;
229.2 service by mail is complete upon mailing; no filing fee shall be required by the court
229.3 administrator in appeals taken pursuant to this subdivision, with the exception of appeals
229.4 taken under subdivision 3b. The applicable commissioner ~~or executive board~~ may elect to
229.5 become a party to the proceedings in the district court. Except for appeals under subdivision
229.6 3b, any party may demand that the applicable commissioner ~~or executive board~~ furnish all
229.7 parties to the proceedings with a copy of the decision, and a transcript of any testimony,
229.8 evidence, or other supporting papers from the hearing held before the human services judge,
229.9 by serving a written demand upon the applicable commissioner ~~or executive board~~ within
229.10 30 days after service of the notice of appeal. Any party aggrieved by the failure of an adverse
229.11 party to obey an order issued by the applicable commissioner ~~or executive board~~ under
229.12 subdivision 5 or 5a may compel performance according to the order in the manner prescribed
229.13 in sections 586.01 to 586.12.

229.14 Sec. 29. Minnesota Statutes 2024, section 256G.09, subdivision 3, is amended to read:

229.15 Subd. 3. **Commissioner obligations.** (a) Except as provided in paragraph (b) for matters
229.16 under the jurisdiction of the ~~Direct Care and Treatment executive board~~ commissioner of
229.17 direct care and treatment, the commissioner shall then promptly decide any question of
229.18 financial responsibility as outlined in this chapter and make an order referring the application
229.19 to the local agency of the proper county for further action. Further action may include
229.20 reimbursement by that county of assistance that another county has provided to the applicant
229.21 under this subdivision. The commissioner shall decide disputes within 60 days of the last
229.22 county evidentiary submission and shall issue an immediate opinion.

229.23 (b) For disputes regarding financial responsibility relating to matters under the jurisdiction
229.24 of the ~~direct care and treatment executive board~~ commissioner of direct care and treatment,
229.25 the commissioner shall promptly issue an advisory opinion on any question of financial
229.26 responsibility as outlined in this chapter and recommend to the ~~executive board~~ commissioner
229.27 of direct care and treatment an order referring the application to the local agency of the
229.28 proper county for further action. Further action may include reimbursement by that county
229.29 of assistance that another county has provided to the applicant under this subdivision. The
229.30 commissioner shall provide an advisory opinion and recommended order to the ~~executive~~
229.31 ~~board~~ commissioner of direct care and treatment within 30 days of the last county evidentiary
229.32 submission. The ~~executive board~~ commissioner of direct care and treatment shall decide to
229.33 accept or reject the commissioner's advisory opinion and recommended order within 60
229.34 days of the last county evidentiary submission and shall issue an immediate opinion stating
229.35 the reasons for accepting or rejecting the commissioner's recommendation.

230.1 (c) The commissioner may make any investigation ~~if~~ the commissioner considers proper
230.2 before making a decision or a recommendation to the ~~executive board~~ commissioner of
230.3 direct care and treatment. The commissioner may prescribe rules ~~if~~ the commissioner

230.4 considers necessary to carry out this subdivision except that the commissioner must not
230.5 create rules purporting to bind the ~~executive board's~~ decision of the commissioner of direct
230.6 care and treatment on any advisory opinion or recommended order under paragraph (b).

230.7 (d) Except as provided in paragraph (c) for matters under the jurisdiction of the ~~executive~~
230.8 ~~board~~ commissioner of direct care and treatment, the order of the commissioner binds the
230.9 local agency involved and the applicant or recipient. That agency shall comply with the
230.10 order unless reversed on appeal as provided in section 256.045, subdivision 7. The agency
230.11 shall comply with the order pending the appeal.

230.12 (e) For disputes regarding financial responsibility relating to matters under the jurisdiction
230.13 of the ~~Direct Care and Treatment executive board~~ commissioner of direct care and treatment,
230.14 the order of the ~~executive board~~ commissioner of direct care and treatment binds the local
230.15 agency involved and the applicant or recipient. That agency shall comply with the order of
230.16 the ~~executive board~~ commissioner of direct care and treatment unless the order is reversed
230.17 on appeal as provided in section 256.045, subdivision 7. The agency shall comply with the
230.18 order of the ~~executive board~~ commissioner of direct care and treatment pending the appeal.

230.19 Sec. 30. Minnesota Statutes 2024, section 352.91, subdivision 2a, is amended to read:

230.20 Subd. 2a. **Special teachers.** "Covered correctional service" also means service rendered
230.21 by a state employee as a special teacher employed by the Department of Corrections or by
230.22 the Department of Direct Care and Treatment at a security unit, provided that at least 75
230.23 percent of the employee's working time is spent in direct contact with inmates or patients
230.24 and the fact of this direct contact is certified to the executive director by the appropriate
230.25 commissioner ~~or executive board~~, unless the person elects to retain the current retirement
230.26 coverage under Laws 1996, chapter 408, article 8, section 21.

230.27 Sec. 31. Minnesota Statutes 2024, section 352.91, subdivision 3c, is amended to read:

230.28 Subd. 3c. **Nursing personnel.** (a) "Covered correctional service" means service by a
230.29 state employee in one of the employment positions at a correctional facility, in the
230.30 state-operated forensic services program, or in the Minnesota Sex Offender Program that
230.31 are specified in paragraph (b) if at least 75 percent of the employee's working time is spent
230.32 in direct contact with inmates or patients and the fact of this direct contact is certified to the
230.33 executive director by the appropriate commissioner ~~or executive board~~.

231.1 (b) The employment positions are as follows:

231.2 (1) registered nurse - senior;

231.3 (2) registered nurse;

231.4 (3) registered nurse - principal;

231.5 (4) licensed practical nurse;

231.6 (5) registered nurse advance practice; and

- 231.7 (6) psychiatric advance practice registered nurse.
- 231.8 Sec. 32. Minnesota Statutes 2024, section 352.91, subdivision 3d, is amended to read:
- 231.9 Subd. 3d. **Other correctional personnel.** (a) "Covered correctional service" means
- 231.10 service by a state employee in one of the employment positions at a correctional facility or
- 231.11 in the state-operated forensic services program specified in paragraph (b) if at least 75
- 231.12 percent of the employee's working time is spent in direct contact with inmates or patients
- 231.13 and the fact of this direct contact is certified to the executive director by the appropriate
- 231.14 commissioner or executive board.
- 231.15 (b) The employment positions are:
- 231.16 (1) automotive mechanic;
- 231.17 (2) baker;
- 231.18 (3) central services administrative specialist, intermediate;
- 231.19 (4) central services administrative specialist, principal;
- 231.20 (5) chaplain;
- 231.21 (6) chief cook;
- 231.22 (7) clinical program therapist 1;
- 231.23 (8) clinical program therapist 2;
- 231.24 (9) clinical program therapist 3;
- 231.25 (10) clinical program therapist 4;
- 231.26 (11) cook;
- 231.27 (12) cook coordinator;
- 231.28 (13) corrections inmate program coordinator;
- 232.1 (14) corrections transitions program coordinator;
- 232.2 (15) corrections security caseworker;
- 232.3 (16) corrections security caseworker career;
- 232.4 (17) corrections teaching assistant;
- 232.5 (18) delivery van driver;
- 232.6 (19) dentist;
- 232.7 (20) electrician supervisor;
- 232.8 (21) general maintenance worker lead;

- 232.9 (22) general repair worker;
- 232.10 (23) library/information research services specialist;
- 232.11 (24) library/information research services specialist senior;
- 232.12 (25) library technician;
- 232.13 (26) painter lead;
- 232.14 (27) plant maintenance engineer lead;
- 232.15 (28) plumber supervisor;
- 232.16 (29) psychologist 1;
- 232.17 (30) psychologist 3;
- 232.18 (31) recreation therapist;
- 232.19 (32) recreation therapist coordinator;
- 232.20 (33) recreation program assistant;
- 232.21 (34) recreation therapist senior;
- 232.22 (35) sports medicine specialist;
- 232.23 (36) work therapy assistant;
- 232.24 (37) work therapy program coordinator; and
- 232.25 (38) work therapy technician.
- 233.1 Sec. 33. Minnesota Statutes 2024, section 352.91, subdivision 4a, is amended to read:
- 233.2 Subd. 4a. **Process for evaluating and recommending potential employment positions**
- 233.3 **for membership inclusion.** (a) The Department of Corrections and the Department of
- 233.4 Direct Care and Treatment must establish a procedure for evaluating periodic requests by
- 233.5 department and agency employees for qualification for recommendation by the applicable
- 233.6 commissioner or executive board for inclusion of the employment position in the correctional
- 233.7 facility or direct care and treatment facility in the correctional retirement plan and for
- 233.8 periodically determining employment positions that no longer qualify for continued
- 233.9 correctional retirement plan coverage.
- 233.10 (b) The procedure must provide for an evaluation of the extent of the employee's working
- 233.11 time spent in direct contact with patients or inmates, the extent of the physical hazard that
- 233.12 the employee is routinely subjected to in the course of employment, and the extent of
- 233.13 intervention routinely expected of the employee in the event of a facility incident. The
- 233.14 percentage of routine direct contact with inmates or patients may not be less than 75 percent.

233.15 (c) The applicable commissioner ~~or executive board~~ shall notify the employee of the
233.16 determination of the appropriateness of recommending the employment position for inclusion
233.17 in the correctional retirement plan, if the evaluation procedure results in a finding that the
233.18 employee;

233.19 (1) routinely spends 75 percent of the employee's time in direct contact with inmates or
233.20 patients; and

233.21 (2) is regularly engaged in the rehabilitation, treatment, custody, or supervision of inmates
233.22 or patients.

233.23 (d) After providing the affected employee an opportunity to dispute or clarify any
233.24 evaluation determinations, if the applicable commissioner ~~or executive board~~ determines
233.25 that the employment position is appropriate for inclusion in the correctional retirement plan,
233.26 the commissioner ~~or executive board~~ shall forward that recommendation and supporting
233.27 documentation to the chair of the Legislative Commission on Pensions and Retirement, the
233.28 chair of the State and Local Governmental Operations Committee of the senate, the chair
233.29 of the Governmental Operations and Veterans Affairs Policy Committee of the house of
233.30 representatives, and the executive director of the Legislative Commission on Pensions and
233.31 Retirement in the form of the appropriate proposed legislation. The recommendation must
233.32 be forwarded to the legislature before January 15 for the recommendation to be considered
233.33 in that year's legislative session.

234.1 Sec. 34. Minnesota Statutes 2024, section 524.3-801, is amended to read:

234.2 **524.3-801 NOTICE TO CREDITORS.**

234.3 (a) Unless notice has already been given under this section, upon appointment of a
234.4 general personal representative in informal proceedings or upon the filing of a petition for
234.5 formal appointment of a general personal representative, notice thereof, in the form prescribed
234.6 by court rule, shall be given under the direction of the court administrator by publication
234.7 once a week for two successive weeks in a legal newspaper in the county wherein the
234.8 proceedings are pending giving the name and address of the general personal representative
234.9 and notifying creditors of the estate to present their claims within four months after the date
234.10 of the court administrator's notice which is subsequently published or be forever barred,
234.11 unless they are entitled to further service of notice under paragraph (b) or (c).

234.12 (b) The personal representative shall, within three months after the date of the first
234.13 publication of the notice, serve a copy of the notice upon each then known and identified
234.14 creditor in the manner provided in paragraph (c). If the decedent or a predeceased spouse
234.15 of the decedent received assistance for which a claim could be filed under section 246.53,
234.16 256B.15, 256D.16, or 261.04, notice to the commissioner of human services or ~~Direct Care~~
234.17 ~~and Treatment~~ ~~executive board~~ the commissioner of direct care and treatment, as applicable,
234.18 must be given under paragraph (d) instead of under this paragraph or paragraph (c). A
234.19 creditor is "known" if: (i) the personal representative knows that the creditor has asserted
234.20 a claim that arose during the decedent's life against either the decedent or the decedent's

234.21 estate; (ii) the creditor has asserted a claim that arose during the decedent's life and the fact
234.22 is clearly disclosed in accessible financial records known and available to the personal
234.23 representative; or (iii) the claim of the creditor would be revealed by a reasonably diligent
234.24 search for creditors of the decedent in accessible financial records known and available to
234.25 the personal representative. Under this section, a creditor is "identified" if the personal
234.26 representative's knowledge of the name and address of the creditor will permit service of
234.27 notice to be made under paragraph (c).

234.28 (c) Unless the claim has already been presented to the personal representative or paid,
234.29 the personal representative shall serve a copy of the notice required by paragraph (b) upon
234.30 each creditor of the decedent who is then known to the personal representative and identified
234.31 either by delivery of a copy of the required notice to the creditor, or by mailing a copy of
234.32 the notice to the creditor by certified, registered, or ordinary first class mail addressed to
234.33 the creditor at the creditor's office or place of residence.

235.1 (d)(1) Effective for decedents dying on or after July 1, 1997, if the decedent or a
235.2 predeceased spouse of the decedent received assistance for which a claim could be filed
235.3 under section 246.53, 256B.15, 256D.16, or 261.04, the personal representative or the
235.4 attorney for the personal representative shall serve the commissioner of human services or
235.5 ~~executive board~~ the commissioner of direct care and treatment, as applicable, with notice
235.6 in the manner prescribed in paragraph (c), or electronically in a manner prescribed by the
235.7 applicable commissioner ~~or executive board~~, as soon as practicable after the appointment
235.8 of the personal representative. The notice must state the decedent's full name, date of birth,
235.9 and Social Security number and, to the extent then known after making a reasonably diligent
235.10 inquiry, the full name, date of birth, and Social Security number for each of the decedent's
235.11 predeceased spouses. The notice may also contain a statement that, after making a reasonably
235.12 diligent inquiry, the personal representative has determined that the decedent did not have
235.13 any predeceased spouses or that the personal representative has been unable to determine
235.14 one or more of the previous items of information for a predeceased spouse of the decedent.
235.15 A copy of the notice to creditors must be attached to and be a part of the notice to the
235.16 applicable commissioner ~~or executive board~~.

235.17 (2) Notwithstanding a will or other instrument or law to the contrary, except as allowed
235.18 in this paragraph, no property subject to administration by the estate may be distributed by
235.19 the estate or the personal representative until 70 days after the date the notice is served on
235.20 the commissioner of human services or ~~executive board~~ commissioner of direct care and
235.21 treatment as provided in paragraph (c), unless the local agency consents as provided for in
235.22 clause (6). This restriction on distribution does not apply to the personal representative's
235.23 sale of real or personal property, but does apply to the net proceeds the estate receives from
235.24 these sales. The personal representative, or any person with personal knowledge of the facts,
235.25 may provide an affidavit containing the description of any real or personal property affected
235.26 by this paragraph and stating facts showing compliance with this paragraph. If the affidavit
235.27 describes real property, it may be filed or recorded in the office of the county recorder or
235.28 registrar of titles for the county where the real property is located. This paragraph does not

235.29 apply to proceedings under sections 524.3-1203 and 525.31, or when a duly authorized
235.30 agent of a county is acting as the personal representative of the estate.

235.31 (3) At any time before an order or decree is entered under section 524.3-1001 or
235.32 524.3-1002, or a closing statement is filed under section 524.3-1003, the personal
235.33 representative or the attorney for the personal representative may serve an amended notice
235.34 on the commissioner of human services or ~~executive board~~ commissioner of direct care and
235.35 treatment to add variations or other names of the decedent or a predeceased spouse named
236.1 in the notice, the name of a predeceased spouse omitted from the notice, to add or correct
236.2 the date of birth or Social Security number of a decedent or predeceased spouse named in
236.3 the notice, or to correct any other deficiency in a prior notice. The amended notice must
236.4 state the decedent's name, date of birth, and Social Security number, the case name, case
236.5 number, and district court in which the estate is pending, and the date the notice being
236.6 amended was served on the applicable commissioner or ~~executive board~~. If the amendment
236.7 adds the name of a predeceased spouse omitted from the notice, it must also state that
236.8 spouse's full name, date of birth, and Social Security number. The amended notice must be
236.9 served on the applicable commissioner or ~~executive board~~ in the same manner as the original
236.10 notice. Upon service, the amended notice relates back to and is effective from the date the
236.11 notice it amends was served, and the time for filing claims arising under section 246.53,
236.12 256B.15, 256D.16 or 261.04 is extended by 60 days from the date of service of the amended
236.13 notice. Claims filed during the 60-day period are undischarged and unbarred claims, may
236.14 be prosecuted by the entities entitled to file those claims in accordance with section
236.15 524.3-1004, and the limitations in section 524.3-1006 do not apply. The personal
236.16 representative or any person with personal knowledge of the facts may provide and file or
236.17 record an affidavit in the same manner as provided for in clause (1).

236.18 (4) Within one year after the date an order or decree is entered under section 524.3-1001
236.19 or 524.3-1002 or a closing statement is filed under section 524.3-1003, any person who has
236.20 an interest in property that was subject to administration by the estate may serve an amended
236.21 notice on the commissioner of human services or ~~executive board~~ commissioner of direct
236.22 care and treatment to add variations or other names of the decedent or a predeceased spouse
236.23 named in the notice, the name of a predeceased spouse omitted from the notice, to add or
236.24 correct the date of birth or Social Security number of a decedent or predeceased spouse
236.25 named in the notice, or to correct any other deficiency in a prior notice. The amended notice
236.26 must be served on the applicable commissioner or ~~executive board~~ in the same manner as
236.27 the original notice and must contain the information required for amendments under clause
236.28 (3). If the amendment adds the name of a predeceased spouse omitted from the notice, it
236.29 must also state that spouse's full name, date of birth, and Social Security number. Upon
236.30 service, the amended notice relates back to and is effective from the date the notice it amends
236.31 was served. If the amended notice adds the name of an omitted predeceased spouse or adds
236.32 or corrects the Social Security number or date of birth of the decedent or a predeceased
236.33 spouse already named in the notice, then, notwithstanding any other laws to the contrary,
236.34 claims against the decedent's estate on account of those persons resulting from the amendment
236.35 and arising under section 246.53, 256B.15, 256D.16, or 261.04 are undischarged and

236.36 unbarred claims, may be prosecuted by the entities entitled to file those claims in accordance
237.1 with section 524.3-1004, and the limitations in section 524.3-1006 do not apply. The person
237.2 filing the amendment or any other person with personal knowledge of the facts may provide
237.3 and file or record an affidavit describing affected real or personal property in the same
237.4 manner as clause (1).

237.5 (5) After one year from the date an order or decree is entered under section 524.3-1001
237.6 or 524.3-1002, or a closing statement is filed under section 524.3-1003, no error, omission,
237.7 or defect of any kind in the notice to the commissioner of human services or ~~executive board~~
237.8 commissioner of direct care and treatment required under this paragraph or in the process
237.9 of service of the notice on the applicable commissioner or ~~executive board~~, or the failure
237.10 to serve the applicable commissioner or ~~executive board~~ with notice as required by this
237.11 paragraph, makes any distribution of property by a personal representative void or voidable.
237.12 The distributee's title to the distributed property shall be free of any claims based upon a
237.13 failure to comply with this paragraph.

237.14 (6) The local agency may consent to a personal representative's request to distribute
237.15 property subject to administration by the estate to distributees during the 70-day period after
237.16 service of notice on the applicable commissioner or ~~executive board~~. The local agency may
237.17 grant or deny the request in whole or in part and may attach conditions to its consent as it
237.18 deems appropriate. When the local agency consents to a distribution, it shall give the estate
237.19 a written certificate evidencing its consent to the early distribution of assets at no cost. The
237.20 certificate must include the name, case number, and district court in which the estate is
237.21 pending, the name of the local agency, describe the specific real or personal property to
237.22 which the consent applies, state that the local agency consents to the distribution of the
237.23 specific property described in the consent during the 70-day period following service of the
237.24 notice on the applicable commissioner or ~~executive board~~, state that the consent is
237.25 unconditional or list all of the terms and conditions of the consent, be dated, and may include
237.26 other contents as may be appropriate. The certificate must be signed by the director of the
237.27 local agency or the director's designees and is effective as of the date it is dated unless it
237.28 provides otherwise. The signature of the director or the director's designee does not require
237.29 any acknowledgment. The certificate shall be prima facie evidence of the facts it states,
237.30 may be attached to or combined with a deed or any other instrument of conveyance and,
237.31 when so attached or combined, shall constitute a single instrument. If the certificate describes
237.32 real property, it shall be accepted for recording or filing by the county recorder or registrar
237.33 of titles in the county in which the property is located. If the certificate describes real property
237.34 and is not attached to or combined with a deed or other instrument of conveyance, it shall
237.35 be accepted for recording or filing by the county recorder or registrar of titles in the county
238.1 in which the property is located. The certificate constitutes a waiver of the 70-day period
238.2 provided for in clause (2) with respect to the property it describes and is prima facie evidence
238.3 of service of notice on the applicable commissioner or ~~executive board~~. The certificate is
238.4 not a waiver or relinquishment of any claims arising under section 246.53, 256B.15, 256D.16,
238.5 or 261.04, and does not otherwise constitute a waiver of any of the personal representative's

238.6 duties under this paragraph. Distributees who receive property pursuant to a consent to an
238.7 early distribution shall remain liable to creditors of the estate as provided for by law.

238.8 (7) All affidavits provided for under this paragraph:

238.9 (i) shall be provided by persons who have personal knowledge of the facts stated in the
238.10 affidavit;

238.11 (ii) may be filed or recorded in the office of the county recorder or registrar of titles in
238.12 the county in which the real property they describe is located for the purpose of establishing
238.13 compliance with the requirements of this paragraph; and

238.14 (iii) are prima facie evidence of the facts stated in the affidavit.

238.15 (8) This paragraph applies to the estates of decedents dying on or after July 1, 1997.
238.16 Clause (5) also applies with respect to all notices served on the commissioner of human
238.17 services before July 1, 1997, under Laws 1996, chapter 451, article 2, section 55. All notices
238.18 served on the commissioner of human services before July 1, 1997, pursuant to Laws 1996,
238.19 chapter 451, article 2, section 55, shall be deemed to be legally sufficient for the purposes
238.20 for which they were intended, notwithstanding any errors, omissions or other defects.

238.21 Sec. 35. Minnesota Statutes 2024, section 611.57, subdivision 2, is amended to read:

238.22 Subd. 2. **Membership.** (a) The Certification Advisory Committee consists of the
238.23 following members:

238.24 (1) a mental health professional, as defined in section 2451.02, subdivision 27, with
238.25 community behavioral health experience, appointed by the governor;

238.26 (2) a board-certified forensic psychiatrist with experience in competency evaluations,
238.27 providing competency attainment services, or both, appointed by the governor;

238.28 (3) a board-certified forensic psychologist with experience in competency evaluations,
238.29 providing competency attainment services, or both, appointed by the governor;

238.30 (4) the president of the Minnesota Corrections Association or a designee;

238.31 (5) the ~~direct care and treatment deputy commissioner~~ chief executive officer of direct
238.32 ~~care and treatment~~ or a designee;

239.1 (6) the president of the Minnesota Association of County Social Service Administrators
239.2 or a designee;

239.3 (7) the president of the Minnesota Association of Community Mental Health Providers
239.4 or a designee;

239.5 (8) the president of the Minnesota Sheriffs' Association or a designee; and

239.6 (9) the executive director of the National Alliance on Mental Illness Minnesota or a
239.7 designee.

239.8 (b) Members of the advisory committee serve without compensation and at the pleasure
239.9 of the appointing authority. Vacancies shall be filled by the appointing authority consistent
239.10 with the qualifications of the vacating member required by this subdivision.

239.11 Sec. 36. **REVISOR INSTRUCTION.**

239.12 The revisor of statutes shall renumber each provision of Minnesota Statutes listed in
239.13 column A to the number listed in column B.

239.14	<u>Column A</u>	<u>Column B</u>
239.15	<u>246B.01, subdivision 2b</u>	<u>246B.01, subdivision 2f</u>
239.16	<u>246B.01, subdivision 2c</u>	<u>246B.01, subdivision 2g</u>
239.17	<u>246B.01, subdivision 2d</u>	<u>246B.01, subdivision 2h</u>

239.18 Sec. 37. **REPEALER.**

239.19 Minnesota Statutes 2024, sections 246B.01, subdivision 2; 252.021, subdivision 2;
239.20 253.195, subdivision 2; 253B.02, subdivision 7b; 253D.02, subdivision 7a; 254B.01,
239.21 subdivision 15; 256.045, subdivision 1a; and 256G.02, subdivision 5a, are repealed.

239.22 Sec. 38. **EFFECTIVE DATE.**

239.23 This article is effective the day following final enactment.