

CHAPTER 402

HUMAN SERVICES ACT

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402.01 AGREEMENT. Subdivision 1. One or more contiguous counties, having an aggregate population of 50,000 or more persons or three or more contiguous counties situated within the boundaries of the same region designated pursuant to sections 462.381 to 462.396 or chapter 473B, may, by resolution of their county boards of commissioners, designate a human services board having the composition, powers, and duties provided in sections 402.01 to 402.10.

Subd. 2. Any agreement pursuant to subdivision 1 shall be governed by sections 402.01 to 402.10 and section 471.59 provided that a county board may withdraw from the agreement only after one year's notice to all other counties party to the agreement which notice shall be delivered on or before the last day of the current fiscal year.

Subd. 3. Counties intending to designate a human services board, pursuant to subdivision 1, may send written notification to each state agency that will be affected, stating the intent to organize and develop a human services board. After the notification, the county board or county boards may act jointly under the provisions of this chapter for a period not to exceed six months from the date of the notification. The county board or county boards are eligible for planning grants, not to exceed \$25,000, as may be available to develop human services programs. Applications for grants shall be made on forms approved by the state planning officer.

[1973 c 716 s 1; 1976 c 149 s 62 subd 7; 1976 c 340 s 1; 1977 c 411 s 6,9]

402.02 LOCAL BOARDS; COMPOSITION; POWERS; FUNDING. Subdivision 1. Human services boards shall be composed as follows:

(a) Not less than one county commissioner from each county party to the agreement, the commissioner or commissioners to be selected by the county board of the participating county; and

(b) Optional citizen members who in number shall not comprise more than one-third of the membership of the human services board, one of whom shall be the chairman of the human services advisory committee, appointed in a manner determined by the county boards which are party to the agreement.

Board members shall serve for terms of three years, so arranged that as nearly as practicable, the terms of one-third of the members shall expire each year. Vacancies shall be filled in the same manner as original appointments.

Subd. 2. A human services board shall possess all the powers and duties now assigned by law to:

(a) Manage the existing public resources devoted to human services delivered or purchased by the counties, which are subsidized or regulated by the departments of corrections, health, and public welfare;

(b) Employ staff to carry out the purposes of sections 402.01 to 402.10;

(c) Deliver services directly, or through contract with other governmental or non-governmental providers;

(d) Develop a plan for the delivery of human services, which shall include corrections services, public health services, public assistance, mental retardation services, social services, mental health services, and others of similar classification, and shall show evidence of participation in the development of the plan by major private sector providers of related services;

(e) Perform all clerical and accounting functions for the receipt and expenditure of funds for the purposes of sections 402.01 to 402.10;

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(f) Rent and purchase property and equipment;

(g) Existing county health boards, county welfare boards, and area mental health boards; and

(h) If a single county has been authorized to establish a county welfare board composed solely of county commissioners, the board of commissioners is authorized to assume the responsibilities and duties of human services boards pursuant to this chapter, notwithstanding any other provision herein to the contrary relating to membership of the human services board.

Subd. 3. The county boards of commissioners, party to the agreement, shall determine the proportional financial responsibility of each county to support the programs and services of the board. The agreement may provide for payments by each county based upon use by residents of the county of a particular program or service provided, or by other arrangements as determined pursuant to the agreement. Each county shall be subject to applicable requirements of law concerning funding, and to existing limitations upon the authority to levy taxes, for any particular program or service.

Subd. 4. The departments of corrections, health, and public welfare shall provide funds from any grant or subsidy program or other authorized source to the human services board, based upon a plan which satisfies the standards and regulations of the individual state agency, and which represents all subsidy money for human services which each agency commits to programs within counties comprising the human services board.

[1973 c 716 s 2; 1974 c 234 s 1; 1976 c 149 s 62 subd 7; 1977 c 281 s 4; 1977 c 411 s 1,2,9]

402.03 ADVISORY COMMITTEE. Each human services board shall appoint an advisory committee, which shall actively participate in the formulation of the plan for the development, implementation and operation of the programs and services by the board, and shall make a formal recommendation to the board at least annually concerning the annual budget of the board and the implementation of the plan during the ensuing year.

Membership on the advisory committee shall consist of no more than 25 persons serving two year terms not to exceed three consecutive terms. The chairman shall be appointed by the human services board and may not be a member of a county board.

One-third of the members of the advisory committee shall be representatives of those persons receiving services provided by the human services board. Up to one-third may be providers or employees of providers of services and must include representatives of private providers if such providers exist in the county or counties party to the agreement. One member shall be a member of the advisory committee established pursuant to section 145.913, subdivision 3, if any. One member shall be a member of the corrections advisory board established pursuant to section 401.08, if any. The remaining members shall represent the citizens of the counties.

The advisory committee shall appoint at least three permanent task forces to assist it in its functions: Corrections, social and mental health services, and public health.

Task force membership shall be constituted to fulfill state agency requirements for receiving categorical funds. Where appropriately constituted, these task forces may replace those advisory bodies required by statute and regulation to advise county welfare boards and other county and area boards. Individuals not members of the advisory committee may be appointed to the task forces; provided, however, that each task force shall be chaired by a member of the advisory committee.

The human services board shall provide staff assistance to the advisory committee.

[1973 c 716 s 3; 1974 c 234 s 2; 1976 c 149 s 62 subd 7; 1977 c 411 s 3]

402.04 DELEGATION OF FUNCTIONS; FINANCIAL AID; STANDARDS; REPORTS. Subdivision 1. The commissioner of corrections, state commissioner of health, and commissioner of public welfare may, without reference to the provisions of chapter 15, delegate any duty, authority, or responsibility vested in their respective departments relative to any program or service presently provided by the state, to any human services board which has in effect an approved plan for the affected program or

service. The authority granted under this section shall include the authority to transfer to a human services board that portion of any unexpended appropriation which represents a saving to the department concerned by virtue of the assumption by the board of the duty, authority, or responsibility so delegated. No state employee shall be involuntarily terminated from employment by any action under this section.

Subd. 2. The delegation of any duty, authority, or responsibility, and transfer of funds therewith, shall be subject to the maintenance by the human services board of applicable standards prescribed by the respective department, pursuant to the provisions of subdivision 1. Upon failure to maintain the prescribed standards, any delegated function and unexpended funds shall revert to the department concerned according to procedures established by it.

Subd. 3. The exercise of any transfer of function or funds pursuant to subdivisions 1 and 2 shall be immediately reported to the committees on appropriations of the house of representatives and finance of the senate.

[1973 c 716 s 4; 1976 c 149 s 62 subd 7; 1977 c 305 s 45; 1977 c 411 s 4,9]

402.045 FUNCTION OF STATE PLANNING OFFICER. The state planning officer shall have authority for human services development. He may appoint professional and clerical staff as he deems necessary. The positions shall be established in the unclassified civil service pursuant to section 43.05, for a period not to exceed two years.

[1977 c 411 s 11]

402.046 REPOSITORY OF ORIGINAL FILES; CONTINUATION OF ADMINISTRATIVE FUNCTION. The state planning officer shall be the repository for all files, reports, documents, information and property acquired by or otherwise considered the property of the office of human services created pursuant to Laws 1975, Chapter 434, Section 2, Subdivision 24, except property which was loaned by other state agencies. The state planning officer shall assume ongoing or continuing duties of the office of human services, including, but not limited to:

(1) Support for the development of human services boards created pursuant to this chapter, and ongoing technical assistance to the boards;

(2) Disbursement and monitoring grants pursuant to sections 402.01, clause (3), and 402.06, clause (2);

(3) Receiving and coordinating the review of annual plans required by section 402.06; and

(4) Cooperating with other state departments and agencies in assisting local human services integration projects. Any unexpended funds from the appropriation established pursuant to Laws 1975, Chapter 434, Section 2, Subdivision 24, shall not cancel and shall be reappropriated for the purposes of this section.

[1977 c 411 s 12]

402.05 EMPLOYEES. Subdivision 1. All persons employed by a county, whose functions are assumed by a human services board, shall continue as employees of the board without loss in seniority or benefits. Personnel administration for the employees shall be in compliance with the federal standard for a merit system of personnel administration.

Subd. 2. Not later than 365 days after approval of the initial human services board plan and budget by affected state agencies pursuant to section 402.06 any county board, committee or commission having authorities or duties in the areas designated in section 402.02, subdivision 2, shall cease its operation and no per diem or reimbursement of expenses shall be paid to any member of the board, committee or commission.

Subd. 3. Each member of the human services board may receive a per diem and be reimbursed expenses in the performance of official duties.

[1973 c 716 s 5; 1974 c 234 s 3; 1976 c 149 s 62 subd 7; 1977 c 411 s 5]

402.06 IMPLEMENTATION. Subdivision 1. Each state agency affected by action taken pursuant to section 402.01, shall assign personnel to assist the board in preparing its organization and initial plan. Within six months of its creation, each human services board shall present its initial plan and budget to affected state agencies, which shall review and approve or reject the plan in writing within 60 days of its receipt.

Prior to adoption of the plan by the human services board there shall be a public hearing on the plan. As far as practicable, the human services board shall annually publish or otherwise circulate notice of its proposed plan and afford interested persons opportunity to submit data or views orally or in writing.

Subd. 2. After the initial planning period and upon the designation of a human services board, the board shall transmit copies of the agreement documents to each affected state agency, the regional development commission and the governor.

Two or more counties organizing a human services board pursuant to section 402.01, and which have completed the planning and approval process required in subdivision 1, may apply to the commissioner of administration for an implementation grant, not to exceed \$75,000, for a period of one year. Applications for grants shall be made on forms approved by the state planning officer.

[1973 c 716 s 6; 1974 c 234 s 4; 1976 c 149 s 62 subd 7; 1977 c 411 s 7]

402.065 BUDGET, LEVY; AUDIT. On or before the first day of July each year the human services board shall submit to each county board of commissioners participating in the human services board an estimate of the amount needed by it to perform its duties, including expenses of administration, and, if approved, each county shall levy a tax as provided by law for these purposes. In the event the estimate is not approved, each county board of commissioners participating in the human services board shall confer with the human services board, develop a budget and levy a tax for the amount required. The state auditor shall audit the books and accounts of the human services board once each year. The human services board shall pay to the state the total cost and expenses of the examination, including the salaries paid to auditors while actually engaged in making the examination. The revolving fund of the state auditor shall be credited with all collections made for any examination.

[1977 c 411 s 10]

402.07 TERMINATION. The county boards party to an agreement to designate a human services board may terminate the agreement and no longer manage the public resources devoted to human services in their counties but only on notice of an intention to terminate delivered to the commissioner of public welfare, state commissioner of health, and commissioner of corrections not less than 90 days before the effective date of the termination. On the termination all public resources devoted to human services shall be managed in accordance with provisions of law in effect on June 30, 1973.

[1973 c 716 s 7; 1976 c 149 s 62 subd 7; 1977 c 305 s 45; 1977 c 411 s 9]

402.08 [Repealed, 1977 c 411 s 13]

402.09 [Repealed, 1977 c 411 s 13]

402.095 REPORTS TO LEGISLATURE. The state planning agency shall report to the legislature not later than January 1 of each legislative session on the experience of human services boards established pursuant to Laws 1977, Chapter 411. The report shall include an assessment of the effect of establishment of human services boards on the cost and quality of services provided.

[1977 c 411 s 8]

402.10 CITATION. Sections 402.01 to 402.10 may be cited as the human services act.

[1973 c 716 s 11]