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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 1659

March 12, 2009

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The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

1.1 A bill for an act
1.2 relating to human services; establishing a human service authority; establishing
1.3 aid to counties; creating a workgroup; requiring a report; proposing coding for
1.4 new law as Minnesota Statutes, chapter 402A.

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

1.6 Section 1. **[402A.01] CITATION.**

1.7 Sections 402A.01 to 402A.30 may be cited as the "Human Service Authority Act."

1.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.9 Sec. 2. **[402A.10] DESIGNATION OF HUMAN SERVICE AUTHORITY.**

1.10 Subdivision 1. **Establishment.** (a) There is established in each county or a
1.11 consortium of counties of the state a human service authority. No more than 15 human
1.12 service authorities may be established for the entire state.

1.13 (b) The duties of each human service authority are to:

1.14 (1) carry out the responsibilities required of local social services agencies under
1.15 chapter 393 and human service boards under chapter 402;

1.16 (2) manage the public resources devoted to human services delivered or purchased
1.17 by the counties, which are subsidized or regulated by the Department of Human Services
1.18 under chapters 245 to 267;

1.19 (3) employ staff to carry out the purposes of this chapter;

1.20 (4) plan and deliver services directly or through contract with other governmental
1.21 or nongovernmental providers;

2.1 (5) develop and maintain a continuity of operations plan to ensure the continued
2.2 operation or resumption of essential human service functions in the event of any business
2.3 interruption according to local, state, and federal emergency planning requirements;

2.4 (6) receive and expend funds for the purposes of this chapter;

2.5 (7) rent, purchase, sell, or otherwise dispose of real and personal property and
2.6 equipment; and

2.7 (8) carry out any other human service duties currently under the purview of counties.

2.8 (c) Each human service authority certified under subdivision 2 shall have a single
2.9 administrator that has authority over all the duties assigned to the human service authority
2.10 under this chapter effective January 1, 2012.

2.11 Subd. 2. **Certification of human service authority.** The commissioner of human
2.12 services or the commissioner's designee shall certify a county or consortium of counties
2.13 as a human service authority if:

2.14 (1) the condition in subdivision 5, paragraph (a), clause (1), has been met;

2.15 (2) the approvals in subdivision 5, paragraph (a), clauses (2) and (3), have been
2.16 received from the commissioner of human services; and

2.17 (3) the county or consortium of counties is either:

2.18 (i) a single county has a population of 250,000 people or more; or

2.19 (ii) for a consortium of counties:

2.20 (A) the population when combined totals 100,000 people or more; and

2.21 (B) the counties comprising the consortium are in close geographic proximity; or

2.22 (iii) the commissioner determines that the best interests of the state warrant
2.23 certification of a county or consortium of counties that does not meet the conditions of
2.24 item (i) or (ii).

2.25 Subd. 3. **Multicounty human service authority.** Two or more counties meeting the
2.26 criteria in subdivision 2 may, by resolution of their county boards of commissioners and
2.27 by execution of a joint powers agreement under section 471.59, designate a human service
2.28 authority having the composition, powers, and duties agreed upon. These counties shall,
2.29 by agreement entered into through action of their bodies, jointly or cooperatively exercise
2.30 any power common to the contracting parties in carrying out their duties under current
2.31 law, including, but not limited to, chapters 245 to 267, 393, and 402. The counties shall
2.32 notify the commissioner of human services of these resolutions and agreements.

2.33 Subd. 4. **Single county human service authority.** For counties with populations
2.34 over 250,000, the board of county commissioners may be the human service authority
2.35 and retain existing authority under current law. Counties with populations over
2.36 250,000 that serve as their own human service authority shall enter into shared services

3.1 arrangements with other human service authorities or smaller counties. These shared
3.2 services arrangements may include, but are not limited to: planning, human resources,
3.3 program development and operations, training, technical systems, joint purchasing,
3.4 consultative services, or services to transient, special needs, or low-incidence populations.
3.5 These services must be provided at cost plus no more than five percent. Shared services
3.6 arrangements under this subdivision must be approved by the commissioner of human
3.7 services for purposes of receiving state aid under this chapter.

3.8 Subd. 5. **County duties.** (a) A county shall:

3.9 (1) by November 1, 2009, indicate to the commissioner of human services through a
3.10 board resolution the county's intent to form or join a human service authority;

3.11 (2) by June 1, 2010, submit for approval to the commissioner of human services
3.12 a board resolution forming the human service authority, including the names of other
3.13 counties anticipated to be members of the human service authority, if any;

3.14 (3) by June 1, 2011, submit for approval to the commissioner of human services a
3.15 plan that includes a joint powers agreement for the human service authority, or, in the case
3.16 of a county with a population over 250,000 serving as its own human service authority,
3.17 identify what shared services are available to be provided to other human service
3.18 authorities or smaller counties effective January 1, 2012; and

3.19 (4) by June 1, 2012, and each June 1 thereafter, meet performance standards as
3.20 defined by the commissioner of human services.

3.21 (b) If a county has not met the requirements in paragraph (a) by June 1, 2012, a
3.22 county board may join an established human service authority at a later time by submitting
3.23 to the commissioner:

3.24 (1) a county board resolution indicating the county's intent to join a human service
3.25 authority; and

3.26 (2) an amended joint powers agreement of the accepting human service authority.

3.27 Subd. 6. **Agreement.** Any agreement under subdivision 3 or 4 must be governed by
3.28 this chapter and section 471.59. The county boards of commissioners must be party to the
3.29 agreement and shall determine the proportional financial responsibility of each county to
3.30 support the programs and services of the human service authority. This subdivision does
3.31 not limit the authority of a county board to enter into contractual agreements for services
3.32 not covered by this chapter with other agencies or with other units of government.

3.33 Subd. 7. **Assignment.** (a) For purposes of this section, "assign" or "assignment"
3.34 means the process by which the commissioner of human services may add to or create a
3.35 consortium of counties to enlarge or form a human service authority. In this process, the
3.36 commissioner of human services has the authority to require that county boards submit

4.1 for approval new or amended joint powers agreements to effectuate the creation of a
4.2 human service authority.

4.3 (b) If any county with a population of less than 250,000 timely submits a resolution
4.4 of intent to join a human service authority, but is unable to secure a joint powers agreement
4.5 described in subdivision 5, paragraph (a), clause (2), then the commissioner of human
4.6 services may, in consultation with the affected counties, assign the county to a human
4.7 service authority.

4.8 (c) If more than 15 counties or consortia of counties meet all of the conditions
4.9 required for certification as a human service authority, then the commissioner shall, in
4.10 consultation with the affected counties, assign counties or consortia of counties to assure
4.11 that no more than 15 human services authorities are established within the state.

4.12 (d) If a county has not created or joined a human service authority and that county
4.13 fails to meet the performance standards established under subdivision 5, paragraph (a),
4.14 clause (4), then the commissioner of human services may assign the county to a human
4.15 service authority.

4.16 (e) The commissioner of human services retains the authority to make the
4.17 assignments described in this subdivision beyond the year in which initial human service
4.18 authorities are created.

4.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.20 **Sec. 3. [402A.20] AIDS TO COUNTIES.**

4.21 Subdivision 1. **Payments.** The commissioner of human services shall annually
4.22 notify the commissioner of revenue of counties meeting the requirements of this chapter
4.23 for purposes of aid adjustments under chapter 477A.

4.24 Subd. 2. **Transfer of payment.** For a county meeting the requirements of section
4.25 402A.10, subdivision 5, paragraph (b), the commissioner of human services shall notify
4.26 the commissioner of revenue to transfer the amount of the next available year's aid
4.27 payments under this section for the qualifying county to the accepting human service
4.28 authority. Subsequent aid payments available under this chapter to the qualifying county
4.29 must revert back to the county.

4.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.31 **Sec. 4. [402A.30] WORKGROUP.**

4.32 Subdivision 1. **Composition.** The commissioner of human services shall form
4.33 a workgroup comprised of representatives from the following entities: Association of

5.1 Minnesota Counties, Minnesota Association of County Social Service Administrators,
5.2 Minnesota County Attorneys Association, unions representing county employees, and the
5.3 Departments of Health, Corrections, and Human Services.

5.4 Subd. 2. **Duties.** The commissioner shall, with the advice of the workgroup, develop
5.5 and draft legislation for the next legislative session that will recodify language found in
5.6 chapters 393 and 402 and other relevant statutes that direct and authorize county powers
5.7 and duties regarding the delivery of human services under this chapter.

5.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.