



S.F. No. 626 – Department of Direct Care and Treatment establishment (First Engrossment) as amended by the A-8 amendment

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S.F. 626, as amended by the A-8 amendment, modifies the governance structure of Direct Care and Treatment by dissolving the Direct Care and Treatment Executive Board and replacing it with a Commissioner of Direct Care and Treatment. Most of the statutory changes required to implement this change in the governance structure of Direct Care and Treatment are accomplished via the Revisor instructions and repealers that appear at the end of each Article of the bill.

NOTE: The A-8 amendment modifies the first engrossment such that the chief executive officer is not eliminated.

ARTICLE 1 contains changes that could not be easily accomplished by a Revisor instruction or that the drafter thought were essential elements of the proposal and should be shown in the bill language.

Sections 1 to 7 reclassify Direct Care and Treatment as a state agency that is a Department and thus headed by a commissioner.

Sections 8 and 9 modify the existing statutes governing the scheduled transfer on July 1, 2025, of the duties and authorities of the commissioner of human services related to direct care and treatment from the commissioner of human services to the proposed commissioner of direct care and treatment.

Sections 10 to 12 and 14 to 17 modify the statutes governing the duties and authorities of the executive board by stating that those duties and authorities will be vested in the commissioner of direct care and treatment. Many of the duties and the authorities transferred by the bill are not included in this portion of the bill, but are included in the revisor instructions, which will have the same legal effect with respect to the other duties and authorities scheduled to be transferred to the executive board.

Note: The A-8 amendment reinstates the language on lines 5.12 to 5.14 and 5.19 to 5.22, and adds new language to this section specifying that the chief executive officer shall serve as the deputy commissioner of the Department of Direct Care and Treatment.

Section 13 establishes a permanent advisory council that combines the membership of the repealed executive board and the repealed advisory committee but omits the legislative members who would have been appointed to the repealed advisory committee.

Note: The A-8 amendment adds one additional member to the permanent advisory council to be appointed by the Minnesota Disability Law Center and reduces the general membership by one.

Note: The A-8 amendment reinstates Minnesota Statutes, section 246C.08, which contains the duties of the chief executive officer and adds new language specifying the minimum qualifications of the CEO. The A-8 amendment also reinstates the initial appointment and initial salary language related to the CEO.

Section 18 governs the initial appointment of the commissioner of direct care and treatment and requires the governor to make an appointment of a commissioner or name a temporary commissioner by July 1, 2025.

Note: The A-8 amendment includes new language specifying the initial salary of the commissioner.

Section 19 explicitly dissolves the executive board the day following final enactment of this proposal, and transfers any duties or authorities, if any, currently vested in the executive board to the commissioner of human services until July 1, 2025, at which time all duties and authorities related to direct care and treatment will be transferred to the commissioner of direct care and treatment.

Sections 20 and 21 are Revisor instructions to modify terms in Minnesota Statutes to implement the dissolution of the executive board and the replacement of the board with a commissioner of direct care and treatment.

Note: The A-8 amendment strikes the portion of the revisor instruction related to replacing every reference to the chief executive officer with a reference to the commissioner.

Section 22 repeals those portions of chapter 246C that are no longer relevant under a governance structure with a commissioner. This section also repeals session laws related to: (1) the initial appointments of the executive board, (2) the establishment of the temporary advisory committee, which is replaced with a permanent advisory council, and (3) a conflicting statutory amendment from 2024 that was rendered obsolete but also could not be reconciled by the revisor when publishing the 2024 statutes.

Note: The A-8 amendment deletes and reinserts an amended repealer that is consistent with the changes in the other portions of the A-8.

ARTICLE 2 contains conforming changes to other portions of statute that in the opinion of non-partisan staff could not be clearly communicated in a revisor instruction. Often the changes required in Article 2 are needed because under the proposed changes the chapter or section would have references to two commissioners and as a result the revisor instruction might be ambiguous.

Note: The A-8 amendment contains a change to article 2, section 19 (lines 20.6 to 20.14) that corrects a mistake that occurred during the original recodification of the Direct Care and Treatment statutes and does so in a way consistent with the intent of SF 626.



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