

1.1 A bill for an act

1.2 relating to miscellaneous health and human services provisions; amending
1.3 Minnesota Statutes 2010, sections 3.98, by adding a subdivision; 245A.14,
1.4 subdivision 4; 326B.175; proposing coding for new law in Minnesota Statutes,
1.5 chapter 326B.

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

1.7 Section 1. Minnesota Statutes 2010, section 3.98, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 5. **Health note.** At the request of the chair of a legislative committee with
1.10 jurisdiction over health care policy or finance, the commissioner of health, in consultation
1.11 with other state agency commissioners as needed, shall prepare a health impact assessment
1.12 of proposed legislation to estimate the impact of the legislation on costs of health care for
1.13 public employees, state health care programs, private employers, local governments, and
1.14 Minnesota individuals and families, including costs related to the impact of the legislation
1.15 on the health status of the state or a community. The commissioner may provide a general
1.16 estimate of impact with ranges of costs or savings using the best available data, research
1.17 and expert opinion.

1.18 Sec. 2. Minnesota Statutes 2010, section 245A.14, subdivision 4, is amended to read:

1.19 Subd. 4. **Special family day care homes.** Nonresidential child care programs
1.20 serving 14 or fewer children that are conducted at a location other than the license holder's
1.21 own residence shall be licensed under this section and the rules governing family day
1.22 care or group family day care if:

1.23 (a) the license holder is the primary provider of care and the nonresidential child
1.24 care program is conducted in a dwelling that is located on a residential lot;

2.1 (b) the license holder is an employer who may or may not be the primary provider
2.2 of care, and the purpose for the child care program is to provide child care services to
2.3 children of the license holder's employees;

2.4 (c) the license holder is a church or religious organization;

2.5 (d) the license holder is a community collaborative child care provider. For
2.6 purposes of this subdivision, a community collaborative child care provider is a provider
2.7 participating in a cooperative agreement with a community action agency as defined in
2.8 section 256E.31; ~~or~~

2.9 (e) the license holder is a not-for-profit agency that provides child care in a dwelling
2.10 located on a residential lot and the license holder maintains two or more contracts with
2.11 community employers or other community organizations to provide child care services.
2.12 The county licensing agency may grant a capacity variance to a license holder licensed
2.13 under this paragraph to exceed the licensed capacity of 14 children by no more than five
2.14 children during transition periods related to the work schedules of parents, if the license
2.15 holder meets the following requirements:

2.16 (1) the program does not exceed a capacity of 14 children more than a cumulative
2.17 total of four hours per day;

2.18 (2) the program meets a one to seven staff-to-child ratio during the variance period;

2.19 (3) all employees receive at least an extra four hours of training per year than
2.20 required in the rules governing family child care each year;

2.21 (4) the facility has square footage required per child under Minnesota Rules, part
2.22 9502.0425;

2.23 (5) the program is in compliance with local zoning regulations;

2.24 (6) the program is in compliance with the applicable fire code as follows:

2.25 (i) if the program serves more than five children older than 2-1/2 years of age,
2.26 but no more than five children 2-1/2 years of age or less, the applicable fire code is
2.27 educational occupancy, as provided in Group E Occupancy under the Minnesota State
2.28 Fire Code 2003, Section 202; or

2.29 (ii) if the program serves more than five children 2-1/2 years of age or less, the
2.30 applicable fire code is Group I-4 Occupancies, as provided in the Minnesota State Fire
2.31 Code 2003, Section 202; and

2.32 (7) any age and capacity limitations required by the fire code inspection and square
2.33 footage determinations shall be printed on the license; or

2.34 (f) the license holder is the primary provider of care and has located the licensed
2.35 child care program in a commercial space, if the license holder meets the following
2.36 requirements:

- 3.1 (1) the program is in compliance with local zoning regulations;
3.2 (2) the program is in compliance with the applicable fire code as follows:
3.3 (i) if the program serves more than five children older than 2-1/2 years of age,
3.4 but no more than five children 2-1/2 years of age or less, the applicable fire code is
3.5 educational occupancy, as provided in Group E Occupancy under the Minnesota State
3.6 Fire Code 2003, Section 202; or
3.7 (ii) if the program serves more than five children 2-12 years of age or less, the
3.8 applicable fire code is Group I-4 Occupancies, as provided in the Minnesota State Fire
3.9 Code 2003, Section 202;
3.10 (3) any age and capacity limitations required by the fire code inspection and square
3.11 footage determinations shall be printed on the license; and
3.12 (4) the license holder prominently displays the license issued by the commissioner
3.13 which contains the statement "This special family child care provider is not licensed as a
3.14 child care center."

3.15 Sec. 3. Minnesota Statutes 2010, section 326B.175, is amended to read:

3.16 **326B.175 ELEVATORS, ENTRANCES SEALED.**

3.17 Except as provided in section 326B.188, it shall be the duty of the department and
3.18 the licensing authority of any municipality which adopts any such ordinance whenever
3.19 it finds any such elevator under its jurisdiction in use in violation of any provision of
3.20 sections 326B.163 to 326B.178 to seal the entrances of such elevator and attach a notice
3.21 forbidding the use of such elevator until the provisions thereof are complied with.

3.22 Sec. 4. **[326B.188] TIMELINE FOR COMPLIANCE WITH ELEVATOR CODE**
3.23 **CHANGES AFFECTING EXISTING ELEVATORS AND RELATED DEVICES.**

3.24 (a) This section applies to code requirements for existing elevators and related
3.25 devices under Minnesota Rules, chapter 1307, where the deadline set by law for meeting
3.26 the code requirements is January 29, 2012, or later.

3.27 (b) If the department or municipality conducting elevator inspections within its
3.28 jurisdiction notified the owner of an existing elevator or related device of the code
3.29 requirements before the effective date of this section, the owner may submit a compliance
3.30 plan by December 30, 2011. If the department or municipality did not notify the owner
3.31 of an existing elevator or related device of the code requirements before the effective
3.32 date of this section, the department or municipality shall notify the owner of the code
3.33 requirements and permit the owner to submit a compliance plan by December 30, 2011, or
3.34 within 60 days after the date of notification, whichever is later.

4.1 (c) Any compliance plan submitted under this section shall result in compliance with
4.2 the code requirements by the later of January 29, 2012, or three years after submission of
4.3 the compliance plan. Elevators and related devices that are not in compliance with the
4.4 code requirements by the later of January 29, 2012, or three years after the submission of
4.5 the compliance plan may be taken out of service as provided in section 326B.175.

4.6 **Sec. 5. SERVICES; DEVELOPMENTAL DISABILITY WAIVERED SERVICES.**

4.7 Subd. 1. **Purpose.** All individuals in the state of Minnesota who are eligible for
4.8 developmental disability waivered services are entitled to receive adequate services,
4.9 within the limits of available funding, to ensure their basic needs for housing, food, health,
4.10 and safety are met.

4.11 Subd. 2. **Instructions to the commissioner.** No later than November 1, 2011,
4.12 the commissioner of human services shall convene a workgroup to define the essential
4.13 services required to adequately meet the needs of individuals who receive developmental
4.14 disability waivered services. The commissioner shall identify the essential services in
4.15 each of the following tiers:

4.16 (1) Tier 1- services and costs associated with safety, food, housing, and health care;

4.17 (2) Tier 2 - services and costs associated with enhancements toward self-sufficiency;

4.18 and

4.19 (3) Tier 3 - services and costs associated with quality of life improvements.

4.20 The commissioner, or designee, and a representative designated by the counties shall
4.21 co-chair the workgroup. The workgroup shall consider Tier 1 services to be the most
4.22 important and of highest priority for available funds, and may choose to implement a policy
4.23 that all waiver eligible individuals receive Tier 1 services within the limits of available
4.24 funding before services from tiers 2 or 3 are offered to waiver eligible individuals.