

CHAPTER 658 — S.F.No. 2030

An act relating to public safety; exempting certain day care centers from a specific requirement of the state building code; requiring the commissioners of public welfare, public safety, and administration to prepare a report on day care licensure issues and to consult on rules; prohibiting the state fire marshal from adopting or enforcing certain rules relating to family or group family day care homes; amending Minnesota Statutes 1982, sections 16.851, by adding a subdivision; 245.802, by adding a subdivision; and 299F.011, by adding a subdivision.

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

Section 1. Minnesota Statutes 1982, section 16.851, is amended by adding a subdivision to read:

Subd. 4. A licensed day care center serving fewer than 30 preschool age persons and which is located in a below ground space in a church building is exempt from the state building code requirement for a ground level exit when the center has more than two stairways to the ground level and its exit.

Sec. 2. Minnesota Statutes 1982, section 245.802, is amended by adding a subdivision to read:

Subd. 4. The commissioners of public welfare, public safety, and administration shall conduct a comprehensive study of the issues surrounding the licensure of family or group family day care homes and day care centers. The commissioners shall prepare a report for the legislature with recommendations for regulations that will ensure a safe environment for children but which do not discourage the provision of quality day care services. The report must be delivered to the appropriate legislative committees by February 1, 1985.

Before adopting any rules regulating family or group family day care homes, the commissioner of public welfare shall consult with the state fire marshal and the state building inspector. The fire marshal and the state building inspector shall review the rules to ensure compliance with laws that are administered and enforced by their agencies.

Sec. 3. Minnesota Statutes 1982, section 299F.011, is amended by adding a subdivision to read:

Subd. 4a. FAMILY OR GROUP FAMILY DAY CARE HOME REGULATION. Notwithstanding any contrary provision of this section, the fire marshal shall not adopt or enforce a rule:

(1) establishing staff ratios, age distribution requirements, and limitations on the number of children in care;

Changes or additions are indicated by underline, deletions by strikeout.

(2) regulating the means of egress from family or group family day care homes in addition to the egress regulations that apply to the home as a single family dwelling; or

(3) confining family or group family day care home activities to the floor of exit discharge.

For purposes of this subdivision, "family or group family day care home" means a single family dwelling in which the day care provider: (1) resides as a member of the household; and (2) provides the services referred to in section 245.782, subdivision 5, to one or more persons.

Nothing in this subdivision prohibits the department of public welfare from adopting or enforcing rules regulating day care, including the subjects in subdivision 4a, clauses (1) and (3). The department may not, however, adopt or enforce a rule stricter than subdivision 4a, clause (2).

The department of public welfare may by rule adopt procedures for requesting the state fire marshal or a local fire marshal to conduct an inspection of day care homes to ensure compliance with state or local fire codes.

Sec. 4. EFFECTIVE DATE.

Sections 1 to 3 are effective the day following final enactment.

Approved May 7, 1984