

**CHAPTER 2—H.F.No. 421**

*An act relating to the energy assistance program; allowing the expenditure of certain federal funds.*

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

**Section 1. AUTHORIZATION TO SPEND FEDERAL FUNDS.**

Notwithstanding Minnesota Statutes, section 3.3005, the commissioner of economic security may expend \$12,195,356 in federal funds allocated to the state in appropriation number 75-1-1502 and made available under Public Law Number 105-78, for the energy assistance program under Minnesota Statutes, section 119A.42, as soon as the federal appropriation is available.

**Sec. 2. EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Presented to the governor February 1, 2001

Signed by the governor February 2, 2001, 3:15 p.m.

---

**CHAPTER 3—S.F.No. 201**

*An act relating to professions; repealing the infectious disease education requirement for physician assistants; repealing Minnesota Statutes 2000, section 147A.25.*

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

**Section 1. REPEALER.**

Minnesota Statutes 2000, section 147A.25, is repealed.

**Sec. 2. EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Presented to the governor February 14, 2001

Signed by the governor February 15, 2001, 10:50 a.m.

---

**CHAPTER 4—S.F.No. 43**

*An act relating to human services; lowering age requirements and variances for adult foster care license capacity, with certain conditions; amending Minnesota Statutes 2000, section 245A.11, subdivisions 2a and 2b.*

New language is indicated by underline, deletions by ~~strikeout~~.

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

Section 1. Minnesota Statutes 2000, section 245A.11, subdivision 2a, is amended to read:

Subd. 2a. **ADULT FOSTER CARE LICENSE CAPACITY.** (a) An adult foster care license holder may have a maximum license capacity of five if all persons in care are age 60 55 or over and do not have a serious and persistent mental illness or a developmental disability.

(b) The commissioner may grant variances to paragraph (a) to allow a foster care provider with a licensed capacity of five persons to admit an individual under the age of 55 if the variance complies with section 245A.04, subdivision 9, and approval of the variance is recommended by the county in which the licensed foster care provider is located.

~~(c) The commissioner may grant variances to this subdivision paragraph (a) to allow the use of a fifth bed for emergency crisis services for a person with serious and persistent mental illness or a developmental disability, regardless of age, provided if the variance complies with the provisions in section 245A.04, subdivision 9, and approval of the variance is recommended by the county in which the licensed foster care provider is located.~~

Sec. 2. Minnesota Statutes 2000, section 245A.11, subdivision 2b, is amended to read:

Subd. 2b. **ADULT FOSTER CARE; FAMILY ADULT DAY CARE.** An adult foster care license holder licensed under the conditions in subdivision 2a may also provide family adult day care for adults age 60 55 or over if no persons in the adult foster or adult family day care program have a serious and persistent mental illness or a developmental disability. The maximum combined capacity for adult foster care and family adult day care is five adults, except that the commissioner may grant a variance for a family adult day care provider to admit up to seven individuals for day care services, if all of the following requirements are met: (1) the variance complies with section 245A.04, subdivision 9; (2) a second caregiver is present whenever six or more clients are being served; and (3) the variance is recommended by the county social service agency in the county where the provider is located. A separate license is not required to provide family adult day care under this subdivision. Adult foster care homes providing services to five adults under this section shall not be subject to licensure by the commissioner of health under the provisions of chapter 144, 144A, 157, or any other law requiring facility licensure by the commissioner of health.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment.

Presented to the governor February 26, 2001

Signed by the governor February 28, 2001, 1:00 p.m.

New language is indicated by underline, deletions by ~~strikeout~~.