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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE NO. **3040**

February 18, 2008

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

1.1 A bill for an act
1.2 relating to human services; modifying siting of residential programs; amending
1.3 Minnesota Statutes 2006, section 245A.11, subdivision 4.

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

1.5 Section 1. Minnesota Statutes 2006, section 245A.11, subdivision 4, is amended to read:

1.6 Subd. 4. **Location of residential programs.** In determining whether to grant a
1.7 license, the commissioner shall specifically consider the population, size, land use plan,
1.8 availability of community services, and the number and size of existing licensed residential
1.9 programs in the town, municipality, or county in which the applicant seeks to operate a
1.10 residential program. The commissioner shall not grant an initial license to any residential
1.11 program if the residential program will be within 1,320 feet of an existing residential
1.12 program unless one of the following conditions apply: (1) the existing residential program
1.13 is located in a hospital licensed by the commissioner of health; (2) the town, municipality,
1.14 or county zoning authority grants the residential program a conditional use or special use
1.15 permit; (3) the program serves six or fewer persons and is not located in ~~a city of the first~~
1.16 ~~class~~ the seven-county metropolitan area; or (4) the program is child foster care.