HOUSE BILL NO. 642

INTRODUCED BY COCCHIARELLA, DARKO, KIMBERLEY, MCCULLOCH, STRIZICH, STICKNEY, S. RICE, GERVAIS

	IN THE HOUSE
FEBRUARY 6, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
	FIRST READING.
FEBRUARY 21, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 22, 1991	PRINTING REPORT.
FEBRUARY 23, 1991	SECOND READING, DO PASS.
FEBRUARY 25, 1991	ENGROSSING REPORT.
FEBRUARY 26, 1991	THIRD READING, PASSED. AYES, 88; NOES, 9.
	TRANSMITTED TO SENATE.
	IN THE SENATE
FEBRUARY 27, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY.
FEBRUARY 27, 1991	
FEBRUARY 27, 1991 MARCH 23, 1991	ON PUBLIC HEALTH, WELFARE, & SAFETY.
	ON PUBLIC HEALTH, WELFARE, & SAFETY. FIRST READING. COMMITTEE RECOMMEND BILL BE
MARCH 23, 1991	ON PUBLIC HEALTH, WELFARE, & SAFETY. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 23, 1991 MARCH 28, 1991	ON PUBLIC HEALTH, WELFARE, & SAFETY. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN.
MARCH 23, 1991 MARCH 28, 1991	ON PUBLIC HEALTH, WELFARE, & SAFETY. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN. AYES, 47; NOES, 2.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1	HOUSE BILL NO. 642
2	Al Culd Starting Shire Downs
3	of Collection Shire Hawas
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE MONTANA
5	CHILD CARE ACT; TO CHANGE THE DEFINITION OF "CHILD" TO MEAN
6	A PERSON UNDER 13 YEARS OF AGE; TO LIMIT THE TYPE OF GROUP
7	EDUCATION FACILITIES THAT ARE EXCLUDED FROM LICENSURE OR
8	REGISTRATION AS A DAY-CARE FACILITY; TO DEFINE THE TERM
9	"RELATED BY BLOOD OR MARRIAGE" FOR THE PURPOSE OF CLARIFYING

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DATE."

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 52-2-703, MCA, is amended to read:

THOSE PERSONS WHO MAY PROVIDE DAY CARE TO CHILDREN WITHOUT

MEETING STATE LICENSING AND REGISTRATION REQUIREMENTS;

AMENDING SECTION 52-2-703, MCA; AND PROVIDING AN EFFECTIVE

"52-2-703. Definitions. In this part, the following definitions apply:

- (1) "Child" means a person under 12 13 years of age.
- (2) "Day-care facility" means a person, association, or place, incorporated or unincorporated, that provides day care on a regular basis. It includes a family day-care home, a day-care center, or a group day-care home. The term does not include:
- 25 (a) a person who limits care to children who are

Montana Legislative Council

- related to him by blood or marriage or under his legal quardianship; or
- 3 (b) any group facility established chiefly for 4 educational purposes that limits its services to children 5 who are 3 years of age or older.
- 6 (3) "Day-care center" means a place in which day care
 7 is provided to 13 or more children on a regular basis.
- 8 (4) "Department" means the department of family 9 services provided for in 2-15-2401.
- 10 (5) "Day care" or "child care" means less-than-24-hour
 11 out-of-home care for children, whether that care is for
 12 daytime or nighttime hours.
- 13 (6) "Regular basis" means providing day care to
 14 children of separate families for any daily periods of less
 15 than 24 hours and within 3 or more consecutive weeks.
- 16 (7) "Family day-care home" means a private residence in 17 which day care is provided to three to six children from 18 separate families on a regular basis.
- 19 (8) "Group day-care home" means a private residence in 20 which day care is provided to 7 to 12 children on a regular 21 basis.
- 22 (9) "Registration" means the process whereby the 23 department maintains a record of all family day-care homes 24 and group day-care homes, prescribes standards, promulgates
- 25 rules, and requires the operator of a family day-care home

or a group day-care home to certify that he has complied with the prescribed standards and promulgated rules.

(10) "Registrant" means the holder of a registration certificate issued by the department in accordance with the provisions of this part.

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- 6 (11) "Registration certificate" means a written
 7 instrument issued by the department to publicly document
 8 that the certificate holder has, in writing, certified to
 9 the department his compliance with this part and the
 10 applicable standards for family day-care homes and group
 11 day-care homes.
 - (12) "bicense" means a written document issued by the department that the license holder has complied with this part and the applicable standards and rules for day-care centers.
- 16 (13) "Licensee" means the holder of a license issued by
 17 the department in accordance with the provisions of this
 18 part.
- 19 (14) (a) "Related by blood or marriage" means the status
 20 of a child who is the son, daughter, brother, sister, first
 21 cousin, nephew, niece, or grandchild of a person providing
 22 child care.
- 23 (b) The term includes the status of a child described 24 in subsection (14)(a) in a step or adoptive relationship."
- NEW SECTION. Section 2. Effective date. [This act] is

1 effective July 1, 1991.

-End-

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DATE."

APPROVED BY COMM. ON HUMAN SERVICES AND AGING

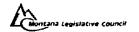
1 2 3 A FILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE MONTANA CHILD CARE ACT: TO CHANGE THE DEFINITION OF "CHILD" TO MEAN 5 A PERSON UNDER 13 YEARS OF AGE; TO LIMIT THE TYPE OF GROUP EDUCATION FACILITIES THAT ARE EXCLUDED FROM LICENSURE OR 7 8 REGISTRATION AS A DAY-CARE FACILITY; TO DEFINE THE TERM "RELATED BY BLOOD OR MARRIAGE" FOR THE PURPOSE OF CLARIFYING THOSE PERSONS WHO MAY PROVIDE DAY CARE TO CHILDREN WITHOUT 10 MEETING STATE LICENSING AND REGISTRATION REQUIREMENTS: 11 12 AMENDING SECTION 52-2-703, MCA; AND PROVIDING AN EFFECTIVE

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

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- (1) "Child" means a person under 12 13 years of age.
- (2) "Day-care facility" means a person, association, or place, incorporated or unincorporated, that provides day care on a regular basis. It includes a family day-care home, a day-care center, or a group day-care home. The term does
- 24 not include: (a) a person who limits care to children who are 25



- related to him by blood or marriage or under his legal 1 2 quardianship; or
- (b) any group facility established 3 chiefly for educational purposes that limits its services to children who are 3 years of age or older.
- (3) "Day-care center" means a place in which day care 7 is provided to 13 or more children on a regular basis.
- 8 (4) "Department" means the department of family 9 services provided for in 2-15-2401.
- (5) "Day care" or "child care" means less-than-24-hour 10 11 out-of-home care for children, whether that care is for 12 daytime or nighttime hours.
- 13 (6) "Regular basis" means providing day care to 14 children of separate families for any daily periods of less 15 than 24 hours and within 3 or more consecutive weeks.
- 16 (7) "Family day-care home" means a private residence in 17 which day care is provided to three to six children from 18 separate families on a regular basis.
- 19 (8) "Group day-care home" means a private residence in 20 which day care is provided to 7 to 12 children on a regular 21 basis.
- 22 (9) "Registration" means the process whereby 23 department maintains a record of all family day-care homes
- 24 and group day-care homes, prescribes standards, promulgates
- 25 rules, and requires the operator of a family day-care home

SECOND READING

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- (10) "Registrant" means the holder of a registration
 certificate issued by the department in accordance with the
 provisions of this part.
 - (11) "Registration certificate" means a written instrument issued by the department to publicly document that the certificate holder has, in writing, certified to the department his compliance with this part and the applicable standards for family day-care homes and group day-care homes.
 - (12) "License" means a written document issued by the department that the license holder has complied with this part and the applicable standards and rules for day-care centers.
- 16 (13) "Licensee" means the holder of a license issued by
 17 the department in accordance with the provisions of this
 18 part.
- 19 (14) (a) "Related by blood or marriage" means the status
 20 of a child who is the son, daughter, brother, sister, first
 21 cousin, nephew, niece, or grandchild of a person providing
 22 child care.
- 23 (b) The term includes the status of a child described 24 in subsection (14)(a) in a step or adoptive relationship."
- NEW SECTION. Section 2. Effective date. [This act] is

effective July 1, 1991.

-End-

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AMENDING SECTION 52-2-703, MCA; AND PROVIDING AN EFFECTIVE

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- (1) "Child" means a person under 12 13 years of age.
- (2) "Day-care facility" means a person, association, or place, incorporated or unincorporated, that provides day care on a regular basis. It includes a family day-care home, a day-care center, or a group day-care home. The term does not include:
- 25 (a) a person who limits care to children who are

related to him by blood or marriage or under his legal quardianship; or

- (b) any group facility established chiefly for educational purposes that limits its services to children who are 3 years of age or older.
- (3) "Day-care center" means a place in which day care is provided to 13 or more children on a regular basis.
- 8 (4) "Department" means the department of family9 services provided for in 2-15-2401.
- 10 (5) "Day care" or "child care" means less-than-24-hour

 11 out-of-home care for children, whether that care is for

 12 daytime or nighttime hours.
- 13 (6) "Regular basis" means providing day care to
 14 children of separate families for any daily periods of less
 15 than 24 hours and within 3 or more consecutive weeks.
- 16 (7) "Family day-care home" means a private residence in 17 which day care is provided to three to six children from 18 separate families on a regular basis.
- 19 (8) "Group day-care home" means a private residence in 20 which day care is provided to 7 to 12 children on a regular 21 basis.
 - (9) "Registration" means the process whereby the department maintains a record of all family day-care homes and group day-care homes, prescribes standards, promulgates
- 25 rules, and requires the operator of a family day-care home THIRD READING



- or a group day-care home to certify that he has complied with the prescribed standards and promulgated rules.
- 3 (10) "Registrant" means the holder of a registration
 4 certificate issued by the department in accordance with the
 5 provisions of this part.
- 6 (11) "Registration certificate" means a written
 7 instrument issued by the department to publicly document
 8 that the certificate holder has, in writing, certified to
 9 the department his compliance with this part and the
 10 applicable standards for family day-care homes and group
 11 day-care homes.

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- (12) "License" means a written document issued by the department that the license holder has complied with this part and the applicable standards and rules for day-care centers.
- 16 (13) "Licensee" means the holder of a license issued by
 17 the department in accordance with the provisions of this
 18 part.
- 19 (14) (a) "Related by blood or marriage" means the status
 20 of a child who is the son, daughter, brother, sister, first
 21 cousin, nephew, niece, or grandchild of a person providing
 22 child care.
- 23 (b) The term includes the status of a child described 24 in subsection (14)(a) in a step or adoptive relationship."
- 25 NEW SECTION. Section 2. Effective date. [This act] is

1 effective July 1, 1991.

-End-

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not include:

2	INTRODUCED BY COCCHIARELLA, DARKO, KIMBERLEY, MCCULLOCH,
3	STRIZICH, STICKNEY, S. RICE, GERVAIS
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10	"RELATED BY BLOOD OR MARRIAGE" FOR THE PURPOSE OF CLARIFYING
11	THOSE PERSONS WHO MAY PROVIDE DAY CARE TO CHILDREN WITHOUT
12	MEETING STATE LICENSING AND REGISTRATION REQUIREMENTS;
13	AMENDING SECTION 52-2-703, MCA; AND PROVIDING AN EFFECTIVE
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21	(2) "Day-care facility" means a person, association, or
22	place, incorporated or unincorporated, that provides day
73	care on a regular basis. It includes a family day-care home.

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HOUSE BILL NO. 642

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2	related to him	by blood	or ma	erriage	or	under	his	lega
	guardianship; o						_	

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 8 is provided to 13 or more children on a regular basis.
- 9 (4) "Department" means the department of family 10 services provided for in 2-15-2401.
- 11 (5) "Day care" or "child care" means less-than-24-hour 12 out-of-home care for children, whether that care is for 13 daytime or nighttime hours.
- 14 (6) "Regular basis" means providing day care to 15 children of separate families for any daily periods of less 16 than 24 hours and within 3 or more consecutive weeks.
- 17 (7) "Family day-care home" means a private residence in 18 which day care is provided to three to six children from 19 separate families on a regular basis.
- 20 (8) "Group day-care home" means a private residence in 21 which day care is provided to 7 to 12 children on a regular 22 basis.
- 23 (9) "Registration" means the process whereby the 24 department maintains a record of all family day-care homes 25 and group day-care homes, prescribes standards, promulgates

- rules, and requires the operator of a family day-care home
 or a group day-care home to certify that he has complied
 with the prescribed standards and promulgated rules.
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- 7 (11) "Registration certificate" means a written
 8 instrument issued by the department to publicly document
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 11 applicable standards for family day-care homes and group
 12 day-care homes.
- 13 (12) "License" means a written document issued by the
 14 department that the license holder has complied with this
 15 part and the applicable standards and rules for day-care
 16 centers.
- 17 (13) "Licensee" means the holder of a license issued by
 18 the department in accordance with the provisions of this
 19 part.
- 20 (14) (a) "Related by blood or marriage" means the status
 21 of a child who is the son, daughter, brother, sister, first
 22 cousin, nephew, niece, or grandchild of a person providing
 23 child care.
- 24 (b) The term includes the status of a child described 25 in subsection (14)(a) in a step or adoptive relationship."

1 NEW SECTION. Section 2. Effective date. [This act] is

2 effective July 1, 1991.

-End-

HB 642