

1 <sup>H</sup> BILL NO. 523  
 2 INTRODUCED BY *Kennedy, Walden, Johnson, B. Barth*  
 3 BY REQUEST OF THE DEPARTMENT OF COMMUNITY AFFAIRS  
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
 6 10-806, R.C.M. 1947, TO ALLOW THE DEPARTMENT OF SOCIAL AND  
 7 REHABILITATION SERVICES TO RECEIVE APPLICATIONS FOR DAY CARE  
 8 LICENSES FROM INDIANS RESIDING ON AN INDIAN RESERVATION."  
 9

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

11 Section 1. Section 10-806, R.C.M. 1947, is amended to  
 12 read as follows:

13 "10-806. Licenses issued by the state department --  
 14 application by Indians -- rules -- minimum requirements of  
 15 licensees. (1) The state department shall issue licenses to  
 16 persons to receive into a day care facility, children for  
 17 care during the day or part of a day. Application for a  
 18 license shall be made to the state department through the  
 19 county department of public welfare in the county in which  
 20 the applicant lives, on forms prescribed by the state  
 21 department. Upon receipt of the application, the county  
 22 welfare department, shall, within a reasonable time,  
 23 investigate to determine whether a license should be  
 24 granted.

25 (2) Applications by Indians residing on Indian

1 reservations shall be made through the tribal governing body  
 2 on forms prescribed by the state department. Applications  
 3 made through a tribal governing body shall be accompanied by  
 4 a request by the tribal governing body that the county  
 5 welfare department in the county in which the applicant  
 6 resides investigate to determine whether a license should be  
 7 granted. This investigation shall be made within a  
 8 reasonable time.

9 ~~(2)(3)~~ The state department shall prescribe the  
 10 conditions upon which licenses are issued, and shall adopt  
 11 rules for the conduct of the facilities which are consistent  
 12 with the welfare of the children received. The state  
 13 department must issue licenses to agencies meeting the  
 14 following minimum requirements:

15 (a) The applicant, his employees, and all those  
 16 persons who will come in direct contact with the children  
 17 are of good moral character

18 (b) The staff of the facility is sufficient in number  
 19 to provide adequate supervision and care of the children  
 20 admitted

21 (c) Essential programs and practices carried on by the  
 22 facility staff are developed and carried out with due regard  
 23 for the protection of the health, safety, development, and  
 24 well-being of the children

25 (d) Applicant and staff are qualified by practical

INTRODUCED BILL

*HB 523*

1 experience or education or training, to give good care and  
2 treatment to the children

3 (e) Physical facilities are of a kind that can meet  
4 the minimum state standards to provide for the protection of  
5 the children from fire and health hazards

6 (f) Intake records are kept on each child admitted for  
7 care

8 (g) The applicant and staff limits admissions to the  
9 maximum number indicated on the current license

10 (h) The applicant will arrange for the necessary  
11 precautions to guard against communicable diseases

12 (i) Public liability insurance and fire insurance is  
13 currently in force for the protection of the operator, his  
14 staff, and the facility."

-End-

STATE OF MONTANA

REQUEST NO. 559-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 9, 1977, there is hereby submitted a Fiscal Note for House Bill 523 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

To allow Department of Social and Rehabilitation Services to receive applications for day care licenses from Indians on Indian reservations.

FISCAL IMPACT:

None. The Department currently licenses Indians on reservations on an individual basis.

TECHNICAL NOTE:

House Bill 523 appears to be a duplicate of House Bill 629.

*Richard J. Dwyer*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-23-77

Approved by Committee  
on Public Health, Welfare  
& Safety

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21 (c) Essential programs and practices carried on by the  
22 facility staff are developed and carried out with due regard  
23 for the protection of the health, safety, development, and  
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25 (d) Applicant and staff are qualified by practical

1 experience or education or training, to give good care and  
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12 (i) Public liability insurance and fire insurance is  
13 currently in force for the protection of the operator, his  
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-End-

HOUSE BILL NO. 523

INTRODUCED BY KENNERLY, WALDRON, JOHNSTON, R. BAETH

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A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 10-806, R.C.M. 1947, TO ALLOW THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO RECEIVE APPLICATIONS FOR DAY CARE LICENSES FROM INDIANS RESIDING ON AN INDIAN RESERVATION."

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