

1 *House* BILL NO. *629*
 2 INTRODUCED BY *Kenneth Mular Holmes Metcalf Conroy*
 3 *WATH* BY REQUEST OF *Menahan*
 4 THE DEPARTMENT OF COMMUNITY AFFAIRS

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

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

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

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

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

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

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

1 well-being of the children

2 (d) Applicant and staff are qualified by practical
3 experience or education or training, to give good care and
4 treatment to the children

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

8 (f) Intake records are kept on each child admitted for
9 care

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

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

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

-End-

STATE OF MONTANA

REQUEST NO. 433-77

FISCAL NOTE

Form BD-15

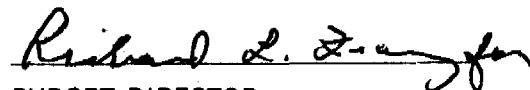
In compliance with a written request received February 9, 19 77, there is hereby submitted a Fiscal Note
or House Bill 629 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.
Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members
of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Allows SRS to receive applications for licenses for day-care facilities from Indians residing on Indian reservations.

FISCAL IMPACT:

None anticipated. The Department currently licenses Indians residing on reservations as day-care operators on an individual basis. House Bill 629 would modify this procedure so all day-care applications would first go to the tribal governing board and then be forwarded to the Department of Social and Rehabilitation Services.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-14-77