

HOUSE BILL 646

INTRODUCED BY DUSSAULT

BY REQUEST OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

IN THE HOUSE

February 5, 1981	Introduced and referred to Committee on Human Services.
February 19, 1981	Committee recommend bill do pass as amended. Report adopted.  Statement of intent attached.
February 20, 1981	Bill printed and placed on members' desks.
February 21, 1981	Second reading, do pass.
February 24, 1981	Correctly engrossed.
February 25, 1981	Third reading, passed. Ayes, 81; Noes, 17. Transmitted to Senate.

IN THE SENATE

March 3, 1981	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 26, 1981	Committee recommend bill and statement of intent be concurred in as amended. Report adopted.
March 28, 1981	Motion pass consideration.
March 30, 1981	Motion pass consideration.
March 31, 1981	Second reading, concurred in.

March 31, 1981

On motion rules suspended. Bill placed on calendar for third reading this day and allowed to be transmitted on 71st legislative day. Motion adopted.

Third reading, concurred in as amended. Ayes, 39; Noes, 11.

#### IN THE HOUSE

April 1, 1981

Returned to House with amendments.

April 9, 1981

Second reading, amendments not concurred in.

On motion Free Conference Committee requested and appointed.

April 22, 1981

Free Conference Committee reported and dissolved.

On motion rules suspended and bill placed on second reading this day.

Second reading, Free Conference Committee report adopted.

On motion rules suspended and bill placed on third reading this day.

Third reading, Free Conference Committee report adopted.

Ayes, 74; Noes, 20. Transmitted to Senate.

#### IN THE SENATE

April 23, 1981

Free Conference Committee report adopted.

IN THE HOUSE

April 23, 1981

Returned from Senate.  
Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 646  
 2 INTRODUCED BY Russau  
 3 BY REQUEST OF  
 4 THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

5  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY  
 7 THE STATE LAWS RELATING TO CHILD DAY-CARE FACILITIES; TO  
 8 CLARIFY THE RULEMAKING AUTHORITY OF THE DEPARTMENT OF HEALTH  
 9 AND ENVIRONMENTAL SCIENCES; TO REQUIRE REGISTRATION OF  
 10 FAMILY DAY-CARE HOMES; TO PROVIDE A PENALTY FOR FAILURE TO  
 11 COMPLY; AMENDING SECTIONS 53-4-501 THROUGH 53-4-516, MCA."

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

14 NEW SECTION. Section 1. Purpose. The purpose of this  
 15 part is to assure that children requiring supplemental  
 16 parental care be provided such food, shelter, security and  
 17 safety, guidance and direction, nurture and comfort, and  
 18 learning experiences commensurate to their ages and  
 19 capabilities so as to safeguard the growth and development  
 20 of such children, thereby facilitating their proper physical  
 21 and emotional maturation.

22 Section 2. Section 53-4-501, MCA, is amended to read:

23 "53-4-501. Definitions. In this part, the following  
 24 definitions apply:

25 (1) "Child" means a person under 12 years of age.

1 (2) "Day-care facility" means a person, association,  
 2 or place, incorporated or unincorporated, that receives for  
 3 care during the day or part of the day three or more  
 4 children of separate families and continues this type of  
 5 care for 5 or more consecutive weeks provides supplemental  
 6 parental care on a regular basis. It includes a family  
 7 day-care home, a day-care center, or a group day-care home.  
 8 It does not include a person who limits care to children who  
 9 are related to him by blood or marriage or under his legal  
 10 guardianship or any group facility established chiefly for  
 11 educational purposes.

12 (3) "Day-care center" means a day-care facility that  
 13 receives seven or more children for care for 5 or more hours  
 14 of the day for 5 or more consecutive weeks. It may include  
 15 facilities known as child-care centers, nursery schools, day  
 16 nurseries, and centers for the mentally retarded place in  
 17 which supplemental parental care is provided to 13 or more  
 18 children on a regular basis.

19 (4) "Department" means the department of social and  
 20 rehabilitation services provided for in Title 2, chapter 15,  
 21 part 22.

22 (5) "Day care" means supplemental parental child care.

23 (6) "Supplemental parental child care" means the  
 24 provision of food, shelter, and learning experiences  
 25 commensurate with a child's age and capabilities, so as to

1 safeguard the child's growth and development on a  
 2 supplemental basis outside of the child's home by an adult  
 3 other than a parent, guardian, person in loco parentis, or  
 4 relative on a regular basis for daily periods of less than  
 5 24 hours.

6 (7) "Regular basis" means providing supplemental  
 7 parental care to children of separate families for any daily  
 8 periods of less than 24 hours and within 3 or more  
 9 consecutive weeks.

10 (8) "Family day-care home" means a private residence  
 11 in which supplemental parental care is provided to six or  
 12 fewer children on a regular basis.

13 (9) "Group day-care home" means a private residence in  
 14 which supplemental parental care is provided to 7 to 12  
 15 children on a regular basis.

16 (10) "Registration" means the process whereby the  
 17 department maintains a record of all family day-care homes,  
 18 prescribes standards, promulgates rules, and requires the  
 19 operator of a family day-care home to certify that he has  
 20 complied with the prescribed standards and promulgated  
 21 rules.

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

25 (12) "Registration certificate" means a written

1 instrument issued by the department to publicly document  
 2 that the certificate holder has, in writing, certified to  
 3 the department his compliance with this part and the  
 4 applicable standards for family day-care homes.

5 (13) "License" means a written document issued by the  
 6 department that the license holder has complied with this  
 7 part and the applicable standards and rules for day-care  
 8 centers and group day-care homes.

9 (14) "Licensee" means the holder of a license issued by  
 10 the department in accordance with the provisions of this  
 11 part.

12 Section 3. Section 53-4-502, MCA, is amended to read:  
 13 "53-4-502. License required -- registration required  
 14 -- term of license or registration certificate -- no fee  
 15 charged. (1) No person, group of persons, or corporation  
 16 shall:

17 (a) establish and or maintain a day-care facility  
 18 center or group day-care home for children unless licensed  
 19 to do so by the department; ~~the license shall be valid for~~  
 20 ~~1-year. There shall be no fee for the license.~~

21 (b) operate a family day-care home without first  
 22 procuring a family day-care registration certificate from  
 23 the department.

24 (2) The license and registration certificate shall set  
 25 forth the ages and numbers of children for whom supplemental

1 parental care may be provided.

2 (3) The applicant's own children must be included in  
3 the total number of children to be cared for under the  
4 license or registration certificate.

5 (4) Licenses or registration certificates shall be  
6 issued for periods not to exceed 1 year. The department  
7 shall charge no fee to issue a license or registration  
8 certificate."

9 Section 4. Section 53-4-503, MCA, is amended to read:

10 "53-4-503. ~~General~~ Powers and duties of the  
11 department. The department shall:

12 (1) issue licenses to persons to receive children into  
13 a day-care ~~facility~~ children-for-care-during-the-day-or-part  
14 of-a-day center or group day-care home on a regular basis;

15 (2) prescribe the conditions and publish minimum  
16 standards upon which licenses and registration certificates  
17 are issued; and

18 (3) adopt rules for the ~~conduct of the~~ day-care  
19 facilities which are consistent with the welfare of the  
20 children received; purposes of this part; and

21 (4) issue registration certificates to a person or  
22 persons to receive children into a family day-care home on a  
23 regular basis."

24 Section 5. Section 53-4-504, MCA, is amended to read:

25 "53-4-504. Standards for child day care. The

1 ~~department of social and rehabilitation services shall~~  
2 ~~prescribe and publish minimum standards for a license.~~ In  
3 developing these standards, the department shall seek the  
4 advice and assistance of the department of health and  
5 environmental sciences and superintendent of public  
6 instruction, representatives of day-care facilities,  
7 specialists in child care, and representatives of parent  
8 groups who use the services of day-care facilities. The  
9 standards may pertain to:

10 (1) character, suitability, and qualifications of an  
11 applicant and other persons directly responsible for the  
12 care of children;

13 (2) the number of individuals or staff required for  
14 adequate supervision and care of children in day-care  
15 centers facilities;

16 (3) child-care programs and practices ~~essential to the~~  
17 protection of necessary to ensure the health, safety,  
18 transportation, development, and well-being of children;

19 (4) adequate and appropriate admission policies;

20 (5) adequacy of physical facilities and equipment;

21 (6) general financial ability and competence of an  
22 applicant to provide necessary care for children and  
23 maintain prescribed standards;

24 (7) the ages and numbers of children that may be cared  
25 for in a day-care facility."

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1 Section 6. Section 53-4-505, MCA, is amended to read:

2 \*53-4-505. Fire safety -- certification required. (1)  
3 The state fire marshal of the department of justice shall  
4 adopt and enforce rules for the protection of children in  
5 ~~care--facilities~~ day-care centers and group day-care homes  
6 from fire hazards and arrange for such inspections and  
7 investigations as it considers necessary.

8 (2) ~~Each--applicant-for-a-license~~ Before a license can  
9 be issued to operate a day-care center or group day-care  
10 home, each applicant shall submit to the department of  
11 ~~social-and-rehabilitation-services~~ a certificate of approval  
12 from the fire marshal bureau of the department of justice or  
13 its designee, indicating that fire safety rules have been  
14 met ~~before-a-license-can-be-issued~~.

15 (3) ~~Automatic--sprinkler--systems--acceptable--to--the~~  
16 ~~state--fire--marshal--shall--be--installed--in--all~~  
17 ~~nonfire-resistant--homes--two-stories-or-more-in-height-with~~  
18 ~~10-or-more-children--with-the-state-fire--marshal--to--issue~~  
19 ~~for--the-information-and-use-of-the-department-of-social-and~~  
20 ~~rehabilitation-services-certificates-of-compliance-with-fire~~  
21 ~~rules--and--standards--applicable--to--the--facilities.~~ A  
22 reasonable fee for fire inspections and investigations may  
23 be charged the applicant by the fire marshal bureau."

24 Section 7. Section 53-4-506, MCA, is amended to read:

25 \*53-4-506. Health protection -- certification

1 required. (1) The department of health and environmental  
2 sciences shall adopt rules for the protection of children in  
3 day-care centers and group day-care homes from the health  
4 hazards of ~~overcrowding,~~ inadequate food preparation, poor  
5 nutrition, and communicable diseases ~~and-arrange-for-any~~  
6 ~~inspections-and-investigations-it-considers-necessary.~~

7 (2) Local public health authorities shall arrange to  
8 provide training to day-care center and home providers and  
9 employees regarding health hazards. Upon successful  
10 completion of the training the local public health  
11 authorities shall issue certificates to the providers and  
12 employees.

13 (3) In lieu of training, local public health  
14 authorities may elect to inspect facilities and issue  
15 certificates of approval to child care center and home  
16 providers.

17 ~~(2)(4)~~ Each applicant for a license to operate a  
18 day-care center or group day-care home shall submit to the  
19 department of ~~social--and--rehabilitation--services~~ a  
20 certificate of ~~approval--that-the-department-of-health-and~~  
21 ~~environmental-sciences-rules-have-been-met-before-a--license~~  
22 ~~can--be--issued~~ issued pursuant to subsection (2) or (3)  
23 before the department will issue a license.

24 (5) The local public health authority may charge the  
25 applicant a reasonable fee, not to exceed \$25, for any

1 inspection necessary to issue a certificate of approval, or  
 2 a fee not to exceed the documented cost for training it  
 3 provides under this section."

4 Section 8. Section 53-4-507, MCA, is amended to read:

5 "53-4-507. Application for a license or registration  
 6 certificate. (1) Application for a license or registration  
 7 certificate shall be made to the department of ~~social and~~  
 8 ~~rehabilitation services through the county department of~~  
 9 ~~public welfare~~ in the county in which the applicant lives on  
 10 forms prescribed by the department of ~~social and~~  
 11 ~~rehabilitation services.~~ Upon receipt of the application,  
 12 the county welfare department shall within a reasonable time  
 13 investigate to determine whether a license should be  
 14 granted.

15 (2) Applications for a license or registration  
 16 certificate by Indians residing on Indian reservations shall  
 17 be made through the tribal governing body on forms  
 18 prescribed by the department of ~~social and~~ ~~rehabilitation~~  
 19 ~~services.~~ Applications made through a tribal governing body  
 20 shall be accompanied by a request by the tribal governing  
 21 body that the county welfare department in the county in  
 22 which the applicant resides investigate to determine whether  
 23 a license or registration certificate should be granted.

24 This investigation shall be made within a reasonable time  
 25 (3) Within 30 days of receipt of the application, the

1 department shall investigate to determine whether a license  
 2 or registration certificate should be issued."

3 Section 9. Section 53-4-508, MCA, is amended to read:

4 "53-4-508. Requirements for licensure. (1) The  
 5 department ~~must issue licenses to agencies meeting the~~  
 6 ~~following minimum~~ shall include in the minimum standards for  
 7 day-care centers and group day-care homes the following  
 8 requirements:

9 (a) The applicant, his employees, and all those  
 10 persons who will come in direct contact with the children  
 11 are of good moral character.

12 (b) The staff of the day-care facility is sufficient  
 13 in number as provided by rule to provide adequate  
 14 supervision and care of the children admitted in the  
 15 facility.

16 (c) Essential programs and practices carried on by the  
 17 facility staff are developed and carried out with due regard  
 18 for the protection of the health, safety, development, and  
 19 well-being of the children.

20 (d) Applicant and staff are qualified by practical  
 21 experience or education or training to give good care and  
 22 treatment to the children.

23 (e) ~~Physical facilities are of a kind that can meet~~  
 24 ~~the minimum state standards to provide for the protection of~~  
 25 ~~the children from fire and health hazards.~~



(f)(e) Intake records are kept on each child admitted for care.

(g)(f) The applicant and staff limit admissions to the maximum number indicated on the current license.

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

(i)(h) Public liability insurance and fire insurance are currently in force for the protection of the operator, his staff, and the facility.

(1) Specify the ages and numbers of children that may be cared for in a day-care facility.

(2) It ~~shall be~~ is the duty of the department or its authorized representative to assist applicants in meeting the minimum requirements."

Section 10. Section 53-4-509, MCA, is amended to read:

"53-4-509. Provisional license ~~is~~ provisional registration certificate. (1) The department of ~~society and rehabilitation services~~ may ~~in its discretion~~ issue a provisional license or provisional registration certificate for a period of ~~not more than which may not exceed~~ 6 months if it finds that a ~~substandard day-care facility or applicant does not meet all standards established by the department, as long as the facility or applicant is attempting to meet the minimum standards.~~

(2) The department may not waive the requirement that

a day-care center ~~shall~~ facility be certified by the state fire ~~marshal of the department of justice~~ under the provisions of 53-4-505 and the ~~department of health and environmental sciences may not be waived~~ 53-4-506.

(3) The department may not waive the requirement that a day-care facility have current and adequate public liability insurance and fire insurance."

Section 11. Section 53-4-510, MCA, is amended to read:

"53-4-510. Renewal of license ~~is~~ registration certificate. If a licensed or registered day-care facility desires to ~~apply for a renewal of its renew a license or registration certificate,~~ the request for renewal shall be made in writing, on forms prescribed by the department, ~~in the county in which the applicant lives,~~ 30 days prior to the expiration of its license or registration certificate."

Section 12. Section 53-4-511, MCA, is amended to read:

"53-4-511. Periodic visits to facilities by department ~~is~~ investigations -- consultation with licensees and registrants. (1) ~~It shall be the duty of the~~ the department or its authorized representative to shall make periodic visits to all licensed day-care ~~facilities~~ centers and group day-care homes to ensure that minimum standards are maintained, ~~and to~~

(2) The department may investigate and inspect the

1 conditions and qualifications of any day-care center, group  
 2 day-care home, or family day-care home seeking or holding a  
 3 license or registration certificate under the provisions of  
 4 this part.

5 (3) The department must visit and inspect at least 15%  
 6 of all registered family day-care homes in each region  
 7 annually.

8 (4) Upon request of the department, the state  
 9 department of health or the state fire marshal or his  
 10 designee shall inspect any day-care facility for which a  
 11 license or registration certificate is applied for or issued  
 12 and shall report its findings to the department.

13 (5) Upon request the department shall give  
 14 consultation upon request to every licensee and registrant  
 15 who desires to upgrade the services of his facility  
 16 program."

17 Section 13. Section 53-4-512, MCA, is amended to read:

18 "53-4-512. Licensees or registrants to maintain  
 19 records, furnish reports, and permit inspections. It shall  
 20 be the duty of every applicant for a license or for  
 21 registration and every licensee or registrant to give the  
 22 right of entrance to and inspection of premises to  
 23 representatives of the department at reasonable times, to  
 24 keep and maintain such records as the department may  
 25 prescribe, to permit inspection of these records, and to

1 report to the department such facts as may be required on  
 2 blank forms furnished by the department."

3 Section 14. Section 53-4-513, MCA, is amended to read:

4 "53-4-513. Denial, cancellation, reduction,  
 5 revocation, and nonrenewal of licenses and registration  
 6 certificates -- fair hearing. (1) The department, after  
 7 written notice and opportunity for hearing to the applicant,  
 8 or licensee, or registrant, may deny, suspend, cancel,  
 9 reduce, modify, or revoke a license in any case in which it  
 10 finds that there has been a substantial failure to comply  
 11 with the requirements established under this law or  
 12 registration certificate upon finding that:

13 (a) any of the applicable conditions set forth in this  
 14 part as prerequisites for the issuance of a license or  
 15 registration certificate no longer exist;

16 (b) the licensee or registrant is no longer in  
 17 compliance with the minimum standards prescribed by the  
 18 department; or

19 (c) the license or registration certificate was issued  
 20 upon fraudulent or untrue representation.

21 (2) The applicant, licensee, or registrant by written  
 22 request may invoke the opportunity for hearing on the  
 23 department's action by requesting a hearing within 10 days  
 24 of notice of department action. The hearing shall be  
 25 conducted according to the department's rules."

1 Section 15. Section 53-4-514, MCA, is amended to read:

2 "53-4-514. Payments for eligible children. The  
3 department shall pay to a ~~licensed day-care facility for~~  
4 ~~each child eligible to receive public financial support not~~  
5 ~~less than \$4.50 until December 31, 1980, and \$5 thereafter~~  
6 ~~for each day the child attends the facility, for those~~  
7 ~~day-care facilities which meet federal requirements, the~~  
8 ~~department shall pay an additional \$1 per day for each~~  
9 ~~eligible child~~ daily rate established by the department to a  
10 day-care facility licensed or registered by the department  
11 for each child receiving day-care service and certified  
12 eligible by the department to receive day-care services."

13 Section 16. Section 53-4-515, MCA, is amended to read:

14 "53-4-515. Violations. (1) ~~If~~ When the department is  
15 advised or has reason to believe that a person, group of  
16 persons, or corporation is operating a ~~child-care day-care~~  
17 ~~facility without a license or registration certificate,~~ it  
18 shall make an investigation to ascertain the facts. If ~~it~~  
19 ~~the department~~ finds that the ~~child-care day-care~~ facility  
20 is being or has been operated without a license ~~or~~  
21 ~~registration certificate,~~ it may report the results of its  
22 investigation to the attorney general or the county attorney  
23 of the county where the ~~child-care day-care~~ facility is  
24 being operated for prosecution and request that an  
25 injunction be issued against the facility until a license ~~or~~

1 certificate is issued.

2 ~~(2) In addition, the~~ The department may institute any  
3 action necessary to enforce compliance with this part or any  
4 order or rule of the department under this part or to obtain  
5 a judicial interpretation of any of the foregoing.

6 ~~(3) The department may~~ institute action by its own  
7 attorney or counsel, ~~or may call upon any county attorney,~~  
8 ~~or the attorney general,~~ to represent it initiate an action  
9 in the district court of the appropriate county ~~in which the~~  
10 ~~action is taken or the attorney general to represent it and~~  
11 ~~be represented by such representative~~ on appeal to the  
12 supreme court of Montana ~~or it may associate its own counsel~~  
13 ~~with either in any court."~~

14 Section 17. Section 53-4-516, MCA, is amended to read:

15 "53-4-516. Expanded day-care assistance. (1) In  
16 addition to the payments authorized under 53-4-514 and  
17 available federal funding, the department ~~of social and~~  
18 ~~rehabilitation services~~ shall pay to a licensed ~~or~~  
19 ~~registered~~ day-care facility, for each child eligible to  
20 receive public financial support, a portion of the total  
21 cost of day-care as determined under subsection (2).

22 (2) The level of expanded day-care assistance provided  
23 under this section shall decrease as family income increases  
24 according to the following criteria:

25 (a) A family whose family income is 150% of the AFDC

1 level is eligible for 100% of day-care costs.

2 (b) A family whose family income is equal to or above  
3 75% of the state's median income for families of like size  
4 is not eligible to receive expanded day-care assistance.

5 (c) A family whose family income is between the levels  
6 established under (a) and (b) above is eligible to receive  
7 expanded day-care assistance established on a 12-step  
8 progressive scale establishing income brackets and support  
9 levels as nearly equal as possible. This additional day-care  
10 assistance will provide for the gradual assumption of the  
11 total cost of day-care by the parents of eligible children  
12 based upon the 12 income brackets and support levels  
13 established.

14 (d) The department of ~~social and rehabilitation~~  
15 ~~services~~ shall establish an expanded day-care assistance  
16 schedule in accordance with the procedures of the Montana  
17 Administrative Procedure Act.

18 (3) The department of ~~social and rehabilitation~~  
19 ~~services~~ may transfer money between programs to effect  
20 effect the purposes of this section."

21 NEW SECTION. Section 18. Penalty. A person, group of  
22 persons, or corporation who establishes or maintains a  
23 day-care facility or assists in conducting or maintaining a  
24 day-care facility without first obtaining a license or  
25 registration certificate from the department as provided for

1 in this part is guilty of a misdemeanor and upon conviction  
2 is punishable by a fine not to exceed \$500.

3 Section 19. Codification instruction. Sections 1 and  
4 18 are intended to be codified as an integral part of Title  
5 53, chapter 4, part 5, and the provisions of Title 53,  
6 chapter 4, part 5, apply to sections 1 and 18.

-End-

STATEMENT OF INTENT

HOUSE BILL 646

House Human Services Committee

House Bill 646 generally clarifies the state laws relating to child day-care facilities. (Title 53, chapter 4, part 5)

Levels of care are specifically defined:

(1) Day-care center provides care for 13 or more children. (53-4-501, MCA)

(2) Group day-care home provides care for 7 to 12 children. (53-4-501, MCA)

(3) Family day-care home provides care for 6 or fewer children. (53-4-501, MCA)

The term "day-care facility" has been expanded to include all levels of care. (53-4-501, MCA)

House Bill 646 in sections 53-4-501 and 53-4-502, MCA, eliminates the requirement for family day-care homes to be licensed, and requires a provider to simply register with the Department of Social and Rehabilitation Services that they comply with minimal state regulations for quality care.

Rulemaking authority. Although House Bill 646 amends 53-4-501 through 53-4-516, MCA, the present law does give the Department of Social and Rehabilitation Services the authority for the purposes of Title 53, chapter 4, part 5,

to license child day-care facilities and for rulemaking authority in relation to licensing. However, because of the new provisions in this act and the fact rules have not been revised since 1965, it is anticipated new rules will be promulgated.

Rules relating to licensing or registration will address the following areas:

(1) Family day-care homes -- character, suitability, qualifications of applicants to care for children; programs and practices for health, safety, transportation, development; ages and numbers of children that may be cared for in a day-care facility.

(2) Group day-care homes and centers -- including the above -- numbers of staff required for adequate supervision; physical facilities and equipment; admission procedures; health supervision of staff, essential records, general financial ability and competence of an applicant to provide necessary care and maintain prescribed standards. Availability of public liability insurance and fire insurance is applicable to all levels of care. (53-4-508, MCA)

(3) Rules dealing with health and safety will be developed with the assistance of the Department of Health and Environmental Sciences.

(4) Physical well-being and safety of the children in

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1 day-care facilities is provided by the state Fire Marshal  
2 who shall adopt standards for fire and life safety.  
3 (53-4-505, MCA)

4 It is the intention of the Legislature that the rates  
5 payable to a day-care facility under section 15 be set after  
6 the appropriation level has been determined by the  
7 Legislature.

Approved by Comm. On Human Services

HOUSE BILL NO. 646

INTRODUCED BY DUSSAULT

BY REQUEST OF

THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY THE STATE LAWS RELATING TO CHILD DAY-CARE FACILITIES; TO CLARIFY THE RULEMAKING AUTHORITY OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; TO REQUIRE REGISTRATION OF FAMILY DAY-CARE HOMES; TO PROVIDE A PENALTY FOR FAILURE TO COMPLY; AMENDING SECTIONS 53-4-501 THROUGH 53-4-516, MCA."

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

NEW SECTION. Section 1. Purpose. The purpose of this part is to assure that children requiring supplemental parental care be provided such food, shelter, security and safety, guidance and direction, nurture and comfort, and learning experiences commensurate to their ages and capabilities so as to safeguard the growth and development of such children, thereby facilitating their proper physical and emotional maturation.

Section 2. Section 53-4-501, MCA, is amended to read:

53-4-501. Definitions. In this part, the following definitions apply:

(1) "Child" means a person under 12 years of age.

(2) "Day-care facility" means a person, association, or place, incorporated or unincorporated, that receives--for care--during--the--day--or--part--of--the--day--three--or--more children--of--separate--families--and--continues--this--type--of care--for--5--or--more--consecutive--weeks provides supplemental parental care on a regular basis. It includes a family day-care home, a day-care center, or a group day-care home. It does not include a person who limits care to children who are related to him by blood or marriage or under his legal guardianship or any group facility established chiefly for educational purposes.

(3) "Day-care center" means a ~~day-care--facility--that receives--seven--or--more--children--for--care--for--5--or--more--hours of--the--day--for--5--or--more--consecutive--weeks--it--may--include facilities--known--as--child--care--centers--nursery--schools--day nurseries--and--centers--for--the--mentally--retarded~~ place in which supplemental parental care is provided to 13 or more children on a regular basis.

(4) "Department" means the department of social and rehabilitation services provided for in Title 2, chapter 15, part 22.

(5) "Day care" means supplemental parental child care.

(6) "Supplemental parental child care" means the provision of food, shelter, and learning experiences commensurate with a child's age and capabilities so as to

1 safeguard the child's growth and development on a  
2 supplemental basis outside of the child's home by an adult  
3 other than a parent, guardian, person in loco parentis, or  
4 relative on a regular basis for daily periods of less than  
5 24 hours.

6 (7) "Regular basis" means providing supplemental  
7 parental care to children of separate families for any daily  
8 periods of less than 24 hours and within 3 or more  
9 consecutive weeks.

10 (8) "Family day-care home" means a private residence  
11 in which supplemental parental care is provided to six or  
12 fewer children on a regular basis.

13 (9) "Group day-care home" means a private residence in  
14 which supplemental parental care is provided to 7 to 12  
15 children on a regular basis.

16 (10) "Registration" means the process whereby the  
17 department maintains a record of all family day-care homes,  
18 prescribes standards, promulgates rules, and requires the  
19 operator of a family day-care home to certify that he has  
20 complied with the prescribed standards and promulgated  
21 rules.

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

25 (12) "Registration certificate" means a written

1 instrument issued by the department to publicly document  
2 that the certificate holder has, in writing, certified to  
3 the department his compliance with this part and the  
4 applicable standards for family day-care homes.

5 (13) "License" means a written document issued by the  
6 department that the license holder has complied with this  
7 part and the applicable standards and rules for day-care  
8 centers and group day-care homes.

9 (14) "Licensee" means the holder of a license issued by  
10 the department in accordance with the provisions of this  
11 part."

12 Section 3. Section 53-4-502, MCA, is amended to read:  
13 "53-4-502. License required -- registration required  
14 -- term of license or registration certificate -- no fee  
15 charged. (1) No person, group of persons, or corporation  
16 shall:

17 (a) establish and or maintain a day-care facility  
18 center or group day-care home for children unless licensed  
19 to do so by the department; ~~the license shall be valid for~~  
20 ~~1 year. There shall be no fee for the license.~~

21 (b) operate a family day-care home without first  
22 procuring a family day-care registration certificate from  
23 the department.

24 (2) The license and registration certificate shall set  
25 forth the ages and numbers of children for whom supplemental



1 parental care may be provided.

2 (3) The applicant's own children must be included in  
3 THE MANNER PROVIDED FOR IN DEPARTMENT REGULATIONS IN the  
4 total number of children to be cared for under the license  
5 or registration certificate.

6 (4) Licenses or registration certificates shall be  
7 issued for periods not to exceed 1 year. The department  
8 shall charge no fee to issue a license or registration  
9 certificate."

10 Section 4. Section 53-4-503, MCA, is amended to read:

11 "53-4-503. General Powers and duties of the  
12 department. The department shall:

13 (1) issue licenses to persons to receive children into  
14 a day-care facility-children-for-care-during-the-day-or-part  
15 of-a-day center or group day-care home on a regular basis;

16 (2) prescribe the conditions and publish minimum  
17 standards upon which licenses and registration certificates  
18 are issued; and

19 (3) adopt rules for ~~the conduct of the~~ day-care  
20 facilities which are consistent with the welfare of the  
21 children-received purposes of this part; and

22 (4) issue registration certificates to a person or  
23 persons to receive children into a family day-care home on a  
24 regular basis."

25 Section 5. Section 53-4-504, MCA, is amended to read:

1 "53-4-504. Standards for child day care. The  
2 ~~department of social and rehabilitation services shall~~  
3 ~~prescribe and publish minimum standards for a license~~ In  
4 developing these standards, the department shall seek the  
5 advice and assistance of the department of health and  
6 environmental sciences and superintendent of public  
7 instruction, representatives of day-care facilities,  
8 specialists in child care, and representatives of parent  
9 groups who use the services of day-care facilities. The  
10 standards may pertain to:

11 (1) character, suitability, and qualifications of an  
12 applicant and other persons directly responsible for the  
13 care of children;

14 (2) the number of individuals or staff required for  
15 adequate supervision and care of children in day-care  
16 centers facilities;

17 (3) child-care programs and practices ~~essential to the~~  
18 protection of necessary to ensure the health, safety, SAFETY  
19 IN transportation, development, and well-being of children;

20 (4) adequate and appropriate admission policies;

21 (5) adequacy of physical facilities and equipment;

22 (6) general financial ability and competence of an  
23 applicant to provide necessary care for children and  
24 maintain prescribed standards;

25 (7) the ages and numbers of children that may be cared

1 for in a day-care facility."

2 Section 6. Section 53-4-505, MCA, is amended to read:

3 "53-4-505. Fire safety -- certification required. (1)

4 The state fire marshal of the department of justice shall  
5 adopt and enforce rules for the protection of children in  
6 care--facilities day-care centers and group day-care homes  
7 from fire hazards and arrange for such inspections and  
8 investigations as it considers necessary.

9 (2) ~~Each--applicant-for-a-license~~ Before a license can  
10 be issued to operate a day-care center or group day-care  
11 home, each applicant shall submit to the department of  
12 ~~social-and-rehabilitation-services~~ a certificate of approval  
13 from the fire marshal bureau of the department of justice or  
14 its designee, indicating that fire safety rules have been  
15 met ~~before-a-license-can-be-issued.~~

16 ~~(3)--Automatic--sprinkler--systems--acceptable--to--the~~  
17 ~~state--fire--marshal--shall--be--installed--in--all~~  
18 ~~nonfire-resistant--homes--two-stories-or-more-in-height-with~~  
19 ~~10-or-more-children;--with--the--state--fire--marshal--to--issue~~  
20 ~~for--the--information--and--use--of--the--department--of--social--and~~  
21 ~~rehabilitation--services--certificates--of--compliance--with--fire~~  
22 ~~rules--and--standards--applicable--to--the--facilities. A~~  
23 ~~reasonable--fee--for--fire--inspections--and--investigations--may~~  
24 ~~be--charged--the--applicant--by--the--fire--marshal--bureau."~~

25 Section 7. Section 53-4-506, MCA, is amended to read:

1 "53-4-506. Health protection -- certification  
2 required. (1) The department of health and environmental  
3 sciences shall adopt rules for the protection of children in  
4 day-care centers and group day-care homes from the health  
5 hazards of ~~overcrowding~~ inadequate food preparation, poor  
6 nutrition, and communicable diseases ~~and-arrange-for-any~~  
7 ~~inspections-and-investigations-it-considers-necessary.~~

8 (2) Local public health authorities shall arrange to  
9 provide training to day-care center and GROUP home providers  
10 and employees regarding health hazards. Upon successful  
11 completion of the training the local public health  
12 authorities shall issue certificates to the providers and  
13 employees.

14 (3) In lieu of training, local public health  
15 authorities may elect to inspect facilities and issue  
16 certificates of approval to child care center and GROUP home  
17 providers.

18 (2)(4) Each applicant for a license to operate a  
19 day-care center or group day-care home shall submit to the  
20 department of ~~social--and--rehabilitation--services~~ a  
21 certificate of ~~approval--that--the--department--of--health--and~~  
22 ~~environmental--sciences--rules--have--been--met--before--a--license~~  
23 ~~can--be--issued~~ issued pursuant to subsection (2) or (3)  
24 before the department will issue a license.

25 (5) The local public health authority may charge the

1 applicant a reasonable fee, not to exceed \$25, for any  
 2 inspection necessary to issue a certificate of approval, or  
 3 a fee not to exceed the documented cost for training it  
 4 provides under this section."

5 Section 8. Section 53-4-507, MCA, is amended to read:

6 "53-4-507. Application for a license or registration  
 7 certificate. (1) Application for a license or registration  
 8 certificate shall be made to the department ~~of social and~~  
 9 ~~rehabilitation services through the county department of~~  
 10 ~~public welfare~~ in the county in which the applicant lives on  
 11 forms prescribed by the department ~~of social and~~  
 12 ~~rehabilitation services.~~ Upon receipt ~~of the application,~~  
 13 ~~the county welfare department shall within a reasonable time~~  
 14 ~~investigate to determine whether a license should be~~  
 15 ~~granted.~~

16 (2) Applications for a license or registration  
 17 certificate by Indians residing on Indian reservations shall  
 18 be made through the tribal governing body on forms  
 19 prescribed by the department ~~of social and rehabilitation~~  
 20 ~~services.~~ Applications made through a tribal governing body  
 21 shall be accompanied by a request by the tribal governing  
 22 body that the ~~county welfare department in the county in~~  
 23 ~~which the applicant resides~~ investigate to determine whether  
 24 a license or registration certificate should be granted.  
 25 ~~This investigation shall be made within a reasonable time~~

1 (3) Within 30 days of receipt of the application, the  
 2 department shall investigate to determine whether a license  
 3 or registration certificate should be issued."

4 Section 9. Section 53-4-508, MCA, is amended to read:

5 "53-4-508. Requirements for licensure. (1) The  
 6 department ~~must issue licenses to agencies meeting the~~  
 7 ~~following minimum~~ shall include in the minimum standards for  
 8 day-care centers and group day-care homes the following  
 9 requirements:

10 (a) The applicant, his employees, and all those  
 11 persons who will come in direct contact with the children  
 12 are of good moral character.

13 (b) The staff of the day-care facility is sufficient  
 14 in number as provided by rule to provide adequate  
 15 supervision and care of the children admitted in the  
 16 facility.

17 (c) Essential programs and practices carried on by the  
 18 facility staff are developed and carried out with due regard  
 19 for the protection of the health, safety, development, and  
 20 well-being of the children.

21 (d) Applicant and staff are qualified by practical  
 22 experience or education or training to give good care and  
 23 treatment to the children.

24 ~~(e) Physical facilities are of a kind that can meet~~  
 25 ~~the minimum state standards to provide for the protection of~~

1 ~~the children from fire and health hazards.~~  
2 ~~(f)(e)~~ Intake records are kept on each child admitted  
3 for care.  
4 ~~(g)(f)~~ The applicant and staff limit admissions to the  
5 maximum number indicated on the current license.  
6 ~~(h)(g)~~ The applicant will arrange for the necessary  
7 precautions to guard against communicable diseases.  
8 ~~(i)(h)~~ Public liability insurance and fire insurance  
9 are currently in force for the protection of the operator,  
10 his staff, and the facility.  
11 (i) Specify the ages and numbers of children that may  
12 be cared for in a day-care facility.  
13 (2) It ~~shall be~~ is the duty of the department or its  
14 authorized representative to assist applicants in meeting  
15 the minimum requirements."  
16 Section 10. Section 53-4-509, MCA, is amended to read:  
17 "53-4-509. Provisional license ~~---~~ provisional  
18 registration certificate. (1) The department of ~~social and~~  
19 ~~rehabilitation services~~ may in ~~its~~ discretion issue a  
20 provisional license or provisional registration certificate  
21 ~~for a period of not more than which may not exceed~~ 6 months  
22 if it finds that a ~~substandard~~ day-care facility or  
23 applicant does not meet all standards established by the  
24 department, as long as the facility or applicant is  
25 attempting to meet the minimum standards.

1 (2) The department may not waive the requirement that  
2 a day-care center ~~shall~~ facility be certified by ~~the state~~  
3 ~~fire marshal of the department of justice~~ under the  
4 provisions of 53-4-505 and the department of health and  
5 environmental sciences may not be waived 53-4-506.  
6 (3) The department may not waive the requirement that  
7 a day-care facility have current and adequate public  
8 liability insurance and fire insurance."  
9 Section 11. Section 53-4-510, MCA, is amended to read:  
10 "53-4-510. Renewal of license ~~---~~ registration  
11 certificate. If a licensed or registered day-care facility  
12 desires to ~~apply for a renewal of its~~ renew a license or  
13 registration certificate, the request for renewal shall be  
14 made in writing, on forms prescribed by to the department,  
15 in the county in which the applicant lives, 30 days prior  
16 to the expiration of its license or registration  
17 certificate."  
18 Section 12. Section 53-4-511, MCA, is amended to read:  
19 "53-4-511. Periodic visits to facilities by department  
20 ~~---~~ investigations ~~---~~ consultation with licensees and  
21 registrants. (1) ~~it shall be the duty of the~~ The department  
22 or its authorized representative to shall make periodic  
23 visits to all licensed day-care facilities centers and group  
24 day-care homes to ensure that minimum standards are  
25 maintained, and to

1       (2) The department may investigate and inspect the  
 2 conditions and qualifications of any day-care center, group  
 3 day-care home, or family day-care home seeking or holding a  
 4 license or registration certificate under the provisions of  
 5 this part.

6       (3) The department must visit and inspect at least 15%  
 7 of all registered family day-care homes in each region OF  
 8 THE GOVERNOR'S PLANNING REGIONS annually.

9       (4) Upon request of the department, the state  
 10 department of health or the state fire marshal or his  
 11 designee shall inspect any day-care facility for which a  
 12 license or registration certificate is applied for or issued  
 13 and shall report its findings to the department.

14       (5) Upon request the department shall give  
 15 consultation upon request to every licensee and registrant  
 16 who desires to upgrade the services of his facility  
 17 program."

18       Section 13. Section 53-4-512, MCA, is amended to read:  
 19       "53-4-512. Licensees or registrants to maintain  
 20 records, furnish reports, and permit inspections. It shall  
 21 be the duty of every applicant for a license or for  
 22 registration and every licensee or registrant to give the  
 23 right of entrance to and inspection of premises to  
 24 representatives of the department at reasonable times, to  
 25 keep and maintain such records as the department may

1       prescribe, to permit inspection of these records, and to  
 2 report to the department such facts as may be required on  
 3 blanks forms furnished by the department."

4       Section 14. Section 53-4-513, MCA, is amended to read:  
 5       "53-4-513. Denial, cancellation, reduction,  
 6 revocation, and nonrenewal of licenses and registration  
 7 certificates -- fair hearing. (1) The department, after  
 8 written notice and opportunity for hearing to the applicant,  
 9 or licensee, or registrant, may deny, suspend, cancel,  
 10 reduce, modify, or revoke a license in any case in which it  
 11 finds that there has been a substantial failure to comply  
 12 with the requirements established under this law or  
 13 registration certificate upon finding that:

14       (a) any of the applicable conditions set forth in this  
 15 part as prerequisites for the issuance of a license or  
 16 registration certificate no longer exist;

17       (b) the licensee or registrant is no longer in  
 18 compliance with the minimum standards prescribed by the  
 19 department; or

20       (c) the license or registration certificate was issued  
 21 upon fraudulent or untrue representation.

22       (2) The applicant, licensee, or registrant by written  
 23 request may invoke the opportunity for hearing on the  
 24 department's action by requesting a hearing within 10 days  
 25 of notice of department action. The hearing shall be

1 conducted according to the department's rules."

2 Section 15. Section 53-4-514, MCA, is amended to read:

3 "53-4-514. Payments for eligible children. The  
4 department shall pay to a licensed day-care facility for  
5 each child eligible to receive public financial support not  
6 less than \$450 until December 31, 1980, and \$5 thereafter  
7 for each day the child attends the facility. For those  
8 day-care facilities which meet federal requirements, the  
9 department shall pay an additional \$1 per day for each  
10 eligible child daily rate established by the department AND  
11 APPROPRIATED BY THE LEGISLATURE to a day-care facility  
12 licensed or registered by the department for each child  
13 receiving day-care service and certified eligible by the  
14 department to receive day-care services."

15 Section 16. Section 53-4-515, MCA, is amended to read:

16 "53-4-515. Violations. (1) If When the department is  
17 advised or has reason to believe that a person, group of  
18 persons, or corporation is operating a child-care day-care  
19 facility without a license or registration certificate, it  
20 shall make an investigation to ascertain the facts. If it  
21 the department finds that the child-care day-care facility  
22 is being or has been operated without a license or  
23 registration certificate, it may report the results of its  
24 investigation to the attorney general or the county attorney  
25 of the county where the child-care day-care facility is

1 being operated for prosecution and request that an  
2 injunction be issued against the facility until a license or  
3 certificate is issued.

4 (2) In addition, the The department may institute any  
5 action necessary to enforce compliance with this part or any  
6 order or rule of the department under this part or to obtain  
7 a judicial interpretation of any of the foregoing.

8 (3) The department may institute action by its own  
9 attorney or counsel, or may call upon any county attorney, or  
10 the attorney general, to represent it initiate an action  
11 in the district court of the appropriate county in which the  
12 action is taken or the attorney general to represent it and  
13 be represented by such representative on appeal to the  
14 supreme court of Montana or it may associate its own counsel  
15 with either in any court."

16 Section 17. Section 53-4-516, MCA, is amended to read:

17 "53-4-516. Expanded day-care assistance. (1) In  
18 addition to the payments authorized under 53-4-514 and  
19 available federal funding, the department of social and  
20 rehabilitation services shall pay to a licensed or  
21 registered day-care facility, for each child eligible to  
22 receive public financial support, a portion of the total  
23 cost of day-care as determined under subsection (2).

24 (2) The level of expanded day-care assistance provided  
25 under this section shall decrease as family income increases

1 according to the following criteria:

2 (a) A family whose family income is 150% of the AFDC  
3 level is eligible for 100% of day-care costs.

4 (b) A family whose family income is equal to or above  
5 75% of the state's median income for families of like size  
6 is not eligible to receive expanded day-care assistance.

7 (c) A family whose family income is between the levels  
8 established under (a) and (b) above is eligible to receive  
9 expanded day-care assistance established on a 12-step  
10 progressive scale establishing income brackets and support  
11 levels as nearly equal as possible. This additional day-care  
12 assistance will provide for the gradual assumption of the  
13 total cost of day-care by the parents of eligible children  
14 based upon the 12 income brackets and support levels  
15 established.

16 (d) The department ~~of--social---and---rehabilitation~~  
17 ~~services~~ shall establish an expanded day-care assistance  
18 schedule in accordance with the procedures of the Montana  
19 Administrative Procedure Act.

20 (3) The department ~~of--social--and--rehabilitation~~  
21 ~~services~~ may transfer money between programs to affect  
22 effect the purposes of this section."

23 NEW SECTION. Section 18. Penalty. A person, group of  
24 persons, or corporation who establishes or maintains a  
25 day-care facility CENTER OR GROUP DAY-CARE HOME or assists

1 in conducting or maintaining a day-care facility CENTER OR  
2 GROUP DAY-CARE HOME without first obtaining a license or  
3 registration certificate from the department as provided for  
4 in this part is guilty of a misdemeanor and upon conviction  
5 is punishable by a fine not to exceed \$500.

6 Section 19. Codification instruction. Sections 1 and  
7 18 are intended to be codified as an integral part of Title  
8 53, chapter 4, part 5, and the provisions of Title 53,  
9 chapter 4, part 5, apply to sections 1 and 18.

-End-

## 1 STATEMENT OF INTENT

## 2 HOUSE BILL 646

## 3 House Human Services Committee

4  
5 House Bill 646 generally clarifies the state laws  
6 relating to child day-care facilities. (Title 53, chapter 4,  
7 part 5)

8 Levels of care are specifically defined:

9 (1) Day-care center provides care for 13 or more  
10 children. (53-4-501, MCA)

11 (2) Group day-care home provides care for 7 to 12  
12 children. (53-4-501, MCA)

13 (3) Family day-care home provides care for 6 or fewer  
14 children. (53-4-501, MCA)

15 The term "day-care facility" has been expanded to  
16 include all levels of care. (53-4-501, MCA)

17 House Bill 646 in sections 53-4-501 and 53-4-502, MCA,  
18 eliminates the requirement for family day-care homes to be  
19 licensed, and requires a provider to simply register with  
20 the Department of Social and Rehabilitation Services that  
21 they comply with minimal state regulations for quality care.

22 Rulemaking authority. Although House Bill 646 amends  
23 53-4-501 through 53-4-516, MCA, the present law does give  
24 the Department of Social and Rehabilitation Services the  
25 authority for the purposes of Title 53, chapter 4, part 5,

1 to license child day-care facilities and for rulemaking  
2 authority in relation to licensing. However, because of the  
3 new provisions in this act and the fact rules have not been  
4 revised since 1965, it is anticipated new rules will be  
5 promulgated.

6 Rules relating to licensing or registration will  
7 address the following areas:

8 (1) Family day-care homes -- character, suitability,  
9 qualifications of applicants to care for children; programs  
10 and practices for health, safety, transportation,  
11 development; ages and numbers of children that may be cared  
12 for in a day-care facility.

13 (2) Group day-care homes and centers -- including the  
14 above -- numbers of staff required for adequate supervision;  
15 physical facilities and equipment; admission procedures;  
16 health supervision of staff, essential records, general  
17 financial ability and competence of an applicant to provide  
18 necessary care and maintain prescribed standards.  
19 Availability of public liability insurance and fire  
20 insurance is applicable to all levels of care. (53-4-508,  
21 MCA)

22 (3) Rules dealing with health and safety will be  
23 developed with the assistance of the Department of Health  
24 and Environmental Sciences.

25 (4) Physical well-being and safety of the children in



HB 646

1 day-care facilities is provided by the state Fire Marshal  
2 who shall adopt standards for fire and life safety.  
3 (53-4-505, MCA)

4 It is the intention of the Legislature that the rates  
5 payable to a day-care facility under section 15 be set after  
6 the appropriation level has been determined by the  
7 Legislature.

HOUSE BILL NO. 646  
INTRODUCED BY DUSSAULT

BY REQUEST OF

THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY THE STATE LAWS RELATING TO CHILD DAY-CARE FACILITIES; TO CLARIFY THE RULEMAKING AUTHORITY OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; TO REQUIRE REGISTRATION OF FAMILY DAY-CARE HOMES; TO PROVIDE A PENALTY FOR FAILURE TO COMPLY; AMENDING SECTIONS 53-4-501 THROUGH 53-4-516, MCA."

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

NEW SECTION. Section 1. Purpose. The purpose of this part is to assure that children requiring supplemental parental care be provided such food, shelter, security and safety, guidance and direction, nurture and comfort, and learning experiences commensurate to their ages and capabilities so as to safeguard the growth and development of such children, thereby facilitating their proper physical and emotional maturation.

Section 2. Section 53-4-501, MCA, is amended to read:

"53-4-501. Definitions. In this part, the following definitions apply:

(1) "Child" means a person under 12 years of age.

(2) "Day-care facility" means a person, association, or place, incorporated or unincorporated, that ~~receives--for care--during--the--day--or--part--of--the--day--three--or--more children--of--separate--families--and--continues--this--type--of care--for--5--or--more--consecutive--weeks~~ provides supplemental parental care on a regular basis. It includes a family day-care home, a day-care center, or a group day-care home. It does not include a person who limits care to children who are related to him by blood or marriage or under his legal guardianship or any group facility established chiefly for educational purposes.

(3) "Day-care center" means a ~~day-care--facility--that receives--seven--or--more--children--for--care--for--5--or--more--hours of--the--day--for--5--or--more--consecutive--weeks--it--may--include facilities--known--as--child--care--centers--nursery--schools--day nurseries--and--centers--for--the--mentally--retarded~~ place in which supplemental parental care is provided to 13 or more children on a regular basis.

(4) "Department" means the department of social and rehabilitation services provided for in Title 2, chapter 15, part 22.

(5) "Day care" means supplemental parental child care.

(6) "Supplemental parental child care" means the provision of food, shelter, and learning experiences commensurate with a child's age and capabilities so as to

1 safeguard the child's growth and development on a  
 2 supplemental basis outside of the child's home by an adult  
 3 other than a parent, guardian, person in loco parentis, or  
 4 relative on a regular basis for daily periods of less than  
 5 24 hours.

6 (7) "Regular basis" means providing supplemental  
 7 parental care to children of separate families for any daily  
 8 periods of less than 24 hours and within 3 or more  
 9 consecutive weeks.

10 (8) "Family day-care home" means a private residence  
 11 in which supplemental parental care is provided to six or  
 12 fewer children on a regular basis.

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 14 which supplemental parental care is provided to 7 to 12  
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 17 department maintains a record of all family day-care homes,  
 18 prescribes standards, promulgates rules, and requires the  
 19 operator of a family day-care home to certify that he has  
 20 complied with the prescribed standards and promulgated  
 21 rules.

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

25 (12) "Registration certificate" means a written

1 instrument issued by the department to publicly document  
 2 that the certificate holder has, in writing, certified to  
 3 the department his compliance with this part and the  
 4 applicable standards for family day-care homes.

5 (13) "License" means a written document issued by the  
 6 department that the license holder has complied with this  
 7 part and the applicable standards and rules for day-care  
 8 centers and group day-care homes.

9 (14) "Licensee" means the holder of a license issued by  
 10 the department in accordance with the provisions of this  
 11 part."

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 14 -- term of license or registration certificate -- no fee  
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 18 center or group day-care home for children unless licensed  
 19 to do so by the department; ~~the license shall be valid for~~  
 20 ~~1 year. There shall be no fee for the license.~~

21 (b) operate a family day-care home without first  
 22 procuring a family day-care registration certificate from  
 23 the department.

24 (2) The license and registration certificate shall set  
 25 forth the ages and numbers of children for whom supplemental

1 parental care may be provided.

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 3 THE MANNER PROVIDED FOR IN DEPARTMENT REGULATIONS IN the  
 4 total number of children to be cared for under the license  
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 17 standards upon which licenses and registration certificates  
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19 (3) adopt rules for ~~the conduct of the~~ day-care  
 20 facilities which are consistent with the welfare of the  
 21 children-received, purposes of this part; and

22 (4) issue registration certificates to a person or  
 23 persons to receive children into a family day-care home on a  
 24 regular basis."

25 Section 5. Section 53-4-504, MCA, is amended to read:

1 "53-4-504. Standards for child day care. The  
 2 ~~department of social and rehabilitation services shall~~  
 3 ~~prescribe and publish minimum standards for a license~~ In  
 4 developing these standards, the department shall seek the  
 5 advice and assistance of the department of health and  
 6 environmental sciences and superintendent of public  
 7 instruction, representatives of day-care facilities,  
 8 specialists in child care, and representatives of parent  
 9 groups who use the services of day-care facilities. The  
 10 standards may pertain to:

11 (1) character, suitability, and qualifications of an  
 12 applicant and other persons directly responsible for the  
 13 care of children;

14 (2) the number of individuals or staff required for  
 15 adequate supervision and care of children in day-care  
 16 centers facilities;

17 (3) child-care programs and practices ~~essential to the~~  
 18 ~~protection of necessary to ensure the~~ health, safety, SAFETY  
 19 IN transportation, development, and well-being of children;

20 (4) adequate and appropriate admission policies;

21 (5) adequacy of physical facilities and equipment;

22 (6) general financial ability and competence of an  
 23 applicant to provide necessary care for children and  
 24 maintain prescribed standards;

25 (7) the ages and numbers of children that may be cared

1 for in a day-care facility."

2 Section 6. Section 53-4-505, MCA, is amended to read:

3 \*53-4-505. Fire safety -- certification required. (1)  
4 The state fire marshal of the department of justice shall  
5 adopt and enforce rules for the protection of children in  
6 care-facilities day-care centers and group day-care homes  
7 from fire hazards and arrange for such inspections and  
8 investigations as it considers necessary.

9 (2) ~~Each applicant for a license~~ Before a license can  
10 be issued to operate a day-care center or group day-care  
11 home, each applicant shall submit to the department of  
12 ~~social and rehabilitation services~~ a certificate of approval  
13 from the fire marshal bureau of the department of justice or  
14 its designee, indicating that fire safety rules have been  
15 met ~~before a license can be issued.~~

16 ~~(3) Automatic sprinkler systems acceptable to the~~  
17 ~~state fire marshal shall be installed in all~~  
18 ~~nonfire-resistant homes two stories or more in height with~~  
19 ~~16 or more children, with the state fire marshal to issue~~  
20 ~~for the information and use of the department of social and~~  
21 ~~rehabilitation services certificates of compliance with fire~~  
22 ~~rules and standards applicable to the facilities. A~~  
23 ~~reasonable fee for fire inspections and investigations may~~  
24 ~~be charged the applicant by the fire marshal bureau."~~

25 Section 7. Section 53-4-506, MCA, is amended to read:

1 \*53-4-506. Health protection -- certification  
2 required. (1) The department of health and environmental  
3 sciences shall adopt rules for the protection of children in  
4 day-care centers and group day-care homes from the health  
5 hazards of overcrowding, inadequate food preparation, poor  
6 nutrition, and communicable diseases ~~and arrange for any~~  
7 ~~inspections and investigations it considers necessary.~~

8 (2) Local public health authorities shall arrange to  
9 provide training to day-care center and GROUP home providers  
10 and employees regarding health hazards. Upon successful  
11 completion of the training the local public health  
12 authorities shall issue certificates to the providers and  
13 employees.

14 (3) In lieu of training, local public health  
15 authorities may elect to inspect facilities and issue  
16 certificates of approval to child care center and GROUP home  
17 providers.

18 ~~(2)(4)~~ Each applicant for a license to operate a  
19 day-care center or group day-care home shall submit to the  
20 department of ~~social and rehabilitation services~~ a  
21 certificate of ~~approval that the department of health and~~  
22 ~~environmental sciences rules have been met before a license~~  
23 ~~can be issued~~ issued pursuant to subsection (2) or (3)  
24 before the department will issue a license.

25 (5) The local public health authority may charge the

1 applicant a reasonable fee, not to exceed \$25, for any  
 2 inspection necessary to issue a certificate of approval, or  
 3 a fee not to exceed the documented cost for training it  
 4 provides under this section."

5 Section 8. Section 53-4-507, MCA, is amended to read:

6 "53-4-507. Application for a license or registration  
 7 certificate. (1) Application for a license or registration  
 8 certificate shall be made to the department of ~~social and~~  
 9 ~~rehabilitation services through the county department of~~  
 10 ~~public welfare~~ in the county in which the applicant lives on  
 11 forms prescribed by the department of ~~social and~~  
 12 ~~rehabilitation services.~~ Upon receipt of the application,  
 13 the county welfare department shall within a reasonable time  
 14 investigate ~~to determine whether a license should be~~  
 15 ~~granted.~~

16 (2) Applications for a license or registration  
 17 certificate by Indians residing on Indian reservations shall  
 18 be made through the tribal governing body on forms  
 19 prescribed by the department of ~~social and rehabilitation~~  
 20 ~~services.~~ Applications made through a tribal governing body  
 21 shall be accompanied by a request by the tribal governing  
 22 body that the county ~~welfare~~ department in the county in  
 23 which the applicant resides investigate to determine whether  
 24 a license or registration certificate should be granted.  
 25 ~~This investigation shall be made within a reasonable time.~~

1 (3) Within 30 days of receipt of the application, the  
 2 department shall investigate to determine whether a license  
 3 or registration certificate should be issued."

4 Section 9. Section 53-4-508, MCA, is amended to read:

5 "53-4-508. Requirements for licensure. (1) The  
 6 department ~~must issue licenses to agencies meeting the~~  
 7 ~~following minimum~~ shall include in the minimum standards for  
 8 day-care centers and group day-care homes the following  
 9 requirements:

10 (a) The applicant, his employees, and all those  
 11 persons who will come in direct contact with the children  
 12 are of good ~~moral~~ character.

13 (b) The staff of the day-care facility is sufficient  
 14 in number as provided by rule to provide adequate  
 15 supervision and care of the children admitted in the  
 16 facility.

17 (c) Essential programs and practices carried on by the  
 18 facility staff are developed and carried out with due regard  
 19 for the protection of the health, safety, development, and  
 20 well-being of the children.

21 (d) Applicant and staff are qualified by practical  
 22 experience or education or training to give good care and  
 23 treatment to the children.

24 ~~(e) Physical facilities are of a kind that can meet~~  
 25 ~~the minimum state standards to provide for the protection of~~

1 ~~the children from fire and health hazards.~~  
 2 ~~(f)(e)~~ Intake records are kept on each child admitted  
 3 for care.  
 4 ~~(g)(f)~~ The applicant and staff limit admissions to the  
 5 maximum number indicated on the current license.  
 6 ~~(h)(g)~~ The applicant will arrange for the necessary  
 7 precautions to guard against communicable diseases.  
 8 ~~(i)(h)~~ Public liability insurance and fire insurance  
 9 are currently in force for the protection of the operator,  
 10 his staff, and the facility.  
 11 (i) Specify the ages and numbers of children that may  
 12 be cared for in a day-care facility.  
 13 (2) It ~~shall be~~ is the duty of the department or its  
 14 authorized representative to assist applicants in meeting  
 15 the minimum requirements."  
 16 Section 10. Section 53-4-509, MCA, is amended to read:  
 17 "53-4-509. Provisional license ~~---~~ provisional  
 18 registration certificate. (1) The department of ~~social and~~  
 19 ~~rehabilitation services~~ may in its discretion issue a  
 20 provisional license or provisional registration certificate  
 21 for a period of ~~not more than which may not exceed~~ 6 months  
 22 if it finds that a substandard day-care facility or  
 23 applicant does not meet all standards established by the  
 24 department, as long as the facility or applicant is  
 25 attempting to meet the minimum standards.

1 (2) The department may not waive the requirement that  
 2 a day-care center shall facility be certified by the state  
 3 fire marshal of the department of justice under the  
 4 provisions of 53-4-505 and the department of health and  
 5 environmental sciences may not be waived 53-4-506.  
 6 (3) The department may not waive the requirement that  
 7 a day-care facility have current and adequate public  
 8 liability insurance and fire insurance."  
 9 Section 11. Section 53-4-510, MCA, is amended to read:  
 10 "53-4-510. Renewal of license ~~---~~ registration  
 11 certificate. If a licensed or registered day-care facility  
 12 desires to ~~apply for a renewal of its renew a license a or~~  
 13 registration certificate, the request for renewal shall be  
 14 made in writing, on forms prescribed by the department,  
 15 to in the county in which the applicant lives, 30 days prior  
 16 to the expiration of its license or registration  
 17 certificate."  
 18 Section 12. Section 53-4-511, MCA, is amended to read:  
 19 "53-4-511. Periodic visits to facilities by department  
 20 ~~---~~ investigations ~~---~~ consultation with licensees and  
 21 registrants. (1) ~~it shall be the duty of the~~ The department  
 22 or its authorized representative to shall make periodic  
 23 visits to all licensed day-care facilities centers and group  
 24 day-care homes to ensure that minimum standards are  
 25 maintained, ~~and to~~

1       (2) The department may investigate and inspect the  
 2 conditions and qualifications of any day-care center, group  
 3 day-care home, or family day-care home seeking or holding a  
 4 license or registration certificate under the provisions of  
 5 this part.

6       (3) The department must visit and inspect at least 15%  
 7 of all registered family day-care homes in each region of  
 8 THE GOVERNOR'S PLANNING REGIONS annually.

9       (4) Upon request of the department, the state  
 10 department of health or the state fire marshal or his  
 11 designee shall inspect any day-care facility for which a  
 12 license or registration certificate is applied for or issued  
 13 and shall report its findings to the department.

14       (5) Upon request the department shall give  
 15 consultation upon request to every licensee and registrant  
 16 who desires to upgrade the services of his facility  
 17 program."

18       Section 13. Section 53-4-512, MCA, is amended to read:  
 19       "53-4-512. Licensees or registrants to maintain  
 20 records, furnish reports, and permit inspections. It shall  
 21 be the duty of every applicant for a license or for  
 22 registration and every licensee or registrant to give the  
 23 right of entrance to and inspection of premises to  
 24 representatives of the department at reasonable times, to  
 25 keep and maintain such records as the department may

1       prescribe, to permit inspection of these records, and to  
 2 report to the department such facts as may be required on  
 3 blank forms furnished by the department."

4       Section 14. Section 53-4-513, MCA, is amended to read:  
 5       "53-4-513. Denial, cancellation, reduction,  
 6 revocation, and nonrenewal of licenses and registration  
 7 certificates -- fair hearing. (1) The department, after  
 8 written notice and opportunity for hearing to the applicant,  
 9 or licensee, or registrant, may deny, suspend, cancel,  
 10 reduce, modify, or revoke a license in any case in which it  
 11 finds that there has been a substantial failure to comply  
 12 with the requirements established under this law or  
 13 registration certificate upon finding that:

14       (a) any of the applicable conditions set forth in this  
 15 part as prerequisites for the issuance of a license or  
 16 registration certificate no longer exist;

17       (b) the licensee or registrant is no longer in  
 18 compliance with the minimum standards prescribed by the  
 19 department; or

20       (c) the license or registration certificate was issued  
 21 upon fraudulent or untrue representation.

22       (2) The applicant, licensee, or registrant by written  
 23 request may invoke the opportunity for hearing on the  
 24 department's action by requesting a hearing within 10 days  
 25 of notice of department action. The hearing shall be



1 conducted according to the department's rules."

2 Section 15. Section 53-4-514, MCA, is amended to read:

3 "53-4-514. Payments for eligible children. The  
4 department shall pay to a licensed day-care facility for  
5 each child eligible to receive public financial support not  
6 less than \$4.50 until December 31, 1980, and \$5 thereafter  
7 for each day the child attends the facility. For those  
8 day-care facilities which meet federal requirements, the  
9 department shall pay an additional \$1 per day for each  
10 eligible child daily rate established by the department AND  
11 APPROPRIATED BY THE LEGISLATURE to a day-care facility  
12 licensed or registered by the department for each child  
13 receiving day-care service and certified eligible by the  
14 department to receive day-care services."

15 Section 16. Section 53-4-515, MCA, is amended to read:

16 "53-4-515. Violations. (1) If When the department is  
17 advised or has reason to believe that a person, group of  
18 persons, or corporation is operating a child-care day-care  
19 facility without a license or registration certificate, it  
20 shall make an investigation to ascertain the facts. If it  
21 the department finds that the child-care day-care facility  
22 is being or has been operated without a license or  
23 registration certificate, it may report the results of its  
24 investigation to the attorney general or the county attorney  
25 of the county where the child-care day-care facility is

1 being operated for prosecution and request that an  
2 injunction be issued against the facility until a license or  
3 certificate is issued.

4 (2) ~~In addition, the~~ The department may institute any  
5 action necessary to enforce compliance with this part or any  
6 order or rule of the department under this part or to obtain  
7 a judicial interpretation of any of the foregoing.

8 (3) The department may institute action by its own  
9 attorney or counsel, or may call upon any county attorney, or  
10 or the attorney general, to represent it initiate an action  
11 in the district court of the appropriate county in which the  
12 action is taken or the attorney general to represent it and  
13 be represented by such representative on appeal to the  
14 supreme court of Montana or it may associate its own counsel  
15 with either in any court."

16 Section 17. Section 53-4-516, MCA, is amended to read:

17 "53-4-516. Expanded day-care assistance. (1) In  
18 addition to the payments authorized under 53-4-514 and  
19 available federal funding, the department ~~of social and~~  
20 ~~rehabilitation services~~ shall pay to a licensed or  
21 registered day-care facility, for each child eligible to  
22 receive public financial support, a portion of the total  
23 cost of day-care as determined under subsection (2).

24 (2) The level of expanded day-care assistance provided  
25 under this section shall decrease as family income increases

1 according to the following criteria:

2 (a) A family whose family income is 150% of the AFDC  
3 level is eligible for 100% of day-care costs.

4 (b) A family whose family income is equal to or above  
5 75% of the state's median income for families of like size  
6 is not eligible to receive expanded day-care assistance.

7 (c) A family whose family income is between the levels  
8 established under (a) and (b) above is eligible to receive  
9 expanded day-care assistance established on a 12-step  
10 progressive scale establishing income brackets and support  
11 levels as nearly equal as possible. This additional day-care  
12 assistance will provide for the gradual assumption of the  
13 total cost of day-care by the parents of eligible children  
14 based upon the 12 income brackets and support levels  
15 established.

16 (d) The department of ~~social and rehabilitation~~  
17 services shall establish an expanded day-care assistance  
18 schedule in accordance with the procedures of the Montana  
19 Administrative Procedure Act.

20 (3) The department of ~~social and rehabilitation~~  
21 services may transfer money between programs to affect  
22 effect the purposes of this section."

23 NEW SECTION. Section 18. Penalty. A person, group of  
24 persons, or corporation who establishes or maintains a  
25 day-care facility CENTER OR GROUP DAY-CARE HOME or assists

1 in conducting or maintaining a day-care facility CENTER OR  
2 GROUP DAY-CARE HOME without first obtaining a license or  
3 registration certificate from the department as provided for  
4 in this part is guilty of a misdemeanor and upon conviction  
5 is punishable by a fine not to exceed \$500.

6 Section 19. Codification instruction. Sections 1 and  
7 18 are intended to be codified as an integral part of Title  
8 53, chapter 4, part 5, and the provisions of Title 53,  
9 chapter 4, part 5, apply to sections 1 and 18.

-End-

## 1 STATEMENT OF INTENT

## 2 HOUSE BILL 646

## 3 House Human Services Committee

4  
5 House Bill 646 generally clarifies the state laws  
6 relating to child day-care facilities. (Title 53, chapter 4,  
7 part 5)

8 Levels of care are specifically defined:

9 (1) Day-care center provides care for 13 or more  
10 children. (53-4-501, MCA)

11 (2) Group day-care home provides care for 7 to 12  
12 children. (53-4-501, MCA)

13 (3) Family day-care home provides care for 6-or-fewer  
14 THREE TO SIX children FROM SEPARATE FAMILIES. (53-4-501,  
15 MCA)

16 The term "day-care facility" has been expanded to  
17 include all levels of care. (53-4-501, MCA)

18 House Bill 646 in sections 53-4-501 and 53-4-502, MCA,  
19 eliminates the requirement for family day-care homes to be  
20 licensed, and requires a provider to simply register with  
21 the Department of Social and Rehabilitation Services that  
22 they comply with minimal state regulations for quality care.

23 Rulemaking authority. Although House Bill 646 amends  
24 53-4-501 through 53-4-516, MCA, the present law does give  
25 the Department of Social and Rehabilitation Services the

1 authority for the purposes of Title 53, chapter 4, part 5,  
2 to license child day-care facilities and for rulemaking  
3 authority in relation to licensing. However, because of the  
4 new provisions in this act and the fact rules have not been  
5 revised since 1965, it is anticipated new rules will be  
6 promulgated.

7 Rules relating to licensing or registration will  
8 address the following areas:

9 (1) Family day-care homes -- character, suitability,  
10 qualifications of applicants to care for children; programs  
11 and practices for health, safety, transportation,  
12 development; ages and numbers of children that may be cared  
13 for in a day-care facility.

14 (2) Group day-care homes and centers -- including the  
15 above -- numbers of staff required for adequate supervision;  
16 physical facilities and equipment; admission procedures;  
17 health supervision of staff, essential records, general  
18 financial ability and competence of an applicant to provide  
19 necessary care and maintain prescribed standards.  
20 Availability of public liability insurance and fire  
21 insurance is applicable to all levels of care. (53-4-508,  
22 MCA)

23 (3) Rules dealing with health and safety will be  
24 developed with the assistance of the Department of Health  
25 and Environmental Sciences. (53-4-506, MCA)

1           (4) Physical well-being and safety of the children in  
2 day-care facilities is provided by the state Fire Marshal  
3 who shall adopt standards for fire and life safety.  
4 (53-4-505, MCA)

5           It is the intention of the Legislature that the rates  
6 payable to a day-care facility under section 15 be set after  
7 the appropriation level has been determined by the  
8 Legislature.

1 HOUSE BILL NO. 646

2 INTRODUCED BY DUSSAULT

3 BY REQUEST OF

4 THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY  
7 THE STATE LAWS RELATING TO CHILD DAY-CARE FACILITIES; TO  
8 CLARIFY THE RULEMAKING AUTHORITY OF THE DEPARTMENT OF HEALTH  
9 AND ENVIRONMENTAL SCIENCES; TO REQUIRE REGISTRATION OF  
10 FAMILY DAY-CARE HOMES; TO PROVIDE A PENALTY FOR FAILURE TO  
11 COMPLY; AMENDING SECTIONS 53-4-501 THROUGH 53-4-516, MCA."

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

14 NEW SECTION. Section 1. Purpose. The purpose of this  
15 part is to assure that children requiring supplemental  
16 parental care be provided such food, shelter, security and  
17 safety, guidance and direction, nurture and comfort, and  
18 learning experiences commensurate to their ages and  
19 capabilities so as to safeguard the growth and development  
20 of such children, thereby facilitating their proper physical  
21 and emotional maturation.

22 Section 2. Section 53-4-501, MCA, is amended to read:

23 "53-4-501. Definitions. In this part, the following  
24 definitions apply:

25 (1) "Child" means a person under 12 years of age.

1 (2) "Day-care facility" means a person, association,  
2 or place, incorporated or unincorporated, that receives--for  
3 care--during--the--day--or--part--of--the--day--three--or--more  
4 children--of--separate--families--and--continues--this--type--of  
5 care--for--5--or--more--consecutive--weeks provides supplemental  
6 parental care on a regular basis. It includes a family  
7 day-care home, a day-care center, or a group day-care home.  
8 It does not include a person who limits care to children who  
9 are related to him by blood or marriage or under his legal  
10 guardianship or any group facility established chiefly for  
11 educational purposes.

12 (3) "Day-care center" means a day-care--facility--that  
13 receives--seven--or--more--children--for--care--for--5--or--more--hours  
14 of--the--day--for--5--or--more--consecutive--weeks--it--may--include  
15 facilities--known--as--child--care--centers--nursery--schools--day  
16 nurseries--and--centers--for--the--mentally--retarded place in  
17 which supplemental parental care is provided to 13 or more  
18 children on a regular basis.

19 (4) "Department" means the department of social and  
20 rehabilitation services provided for in Title 2, chapter 15,  
21 part 22.

22 (5) "Day care" means supplemental parental child care.

23 (6) "Supplemental parental child care" means the  
24 provision of food, shelter, and learning experiences  
25 commensurate with a child's age and capabilities so as to

1 safeguard the child's growth and development on a  
 2 supplemental basis outside of the child's home by an adult  
 3 other than a parent, guardian, person in loco parentis, or  
 4 relative on a regular basis for daily periods of less than  
 5 24 hours.

6 (7) "Regular basis" means providing supplemental  
 7 parental care to children of separate families for any daily  
 8 periods of less than 24 hours and within 3 or more  
 9 consecutive weeks.

10 (8) "Family day-care home" means a private residence  
 11 in which supplemental parental care is provided to THREE TO  
 12 six or fewer children FROM SEPARATE FAMILIES on a regular  
 13 basis THAT ELECTS TO BE ELIGIBLE FOR PAYMENTS UNDER 53-4-514  
 14 AND 53-4-516.

15 (9) "Group day-care home" means a private residence in  
 16 which supplemental parental care is provided to 7 to 12  
 17 children on a regular basis THAT ELECTS TO BE ELIGIBLE FOR  
 18 PAYMENT UNDER 53-4-514 AND 53-4-516.

19 (10) "Registration" means the process whereby the  
 20 department maintains a record of all family day-care homes,  
 21 prescribes standards, promulgates rules, and requires the  
 22 operator of a family day-care home to certify that he has  
 23 complied with the prescribed standards and promulgated  
 24 rules.

25 (11) "Registrant" means the holder of a registration

1 certificate issued by the department in accordance with the  
 2 provisions of this part.

3 (12) "Registration certificate" means a written  
 4 instrument issued by the department to publicly document  
 5 that the certificate holder has, in writing, certified to  
 6 the department his compliance with this part and the  
 7 applicable standards for family day-care homes.

8 (13) "License" means a written document issued by the  
 9 department that the license holder has complied with this  
 10 part and the applicable standards and rules for day-care  
 11 centers and group day-care homes.

12 (14) "Licensee" means the holder of a license issued by  
 13 the department in accordance with the provisions of this  
 14 part."

15 Section 3. Section 53-4-502, MCA, is amended to read:  
 16 "53-4-502. License required -- registration required  
 17 -- term of license or registration certificate -- no fee  
 18 charged. (1) No person, group of persons, or corporation  
 19 shall:

20 (a) establish and or maintain a day-care facility  
 21 center or group day-care home, AS DEFINED IN 53-4-501, for  
 22 children unless licensed to do so by the department; ~~and the~~  
 23 ~~license shall be valid for 1 year. There shall be no fee for~~  
 24 ~~the licensee~~

25 (b) operate a family day-care home, AS DEFINED IN

1 53-4-501, without first procuring a family day-care  
 2 registration certificate from the department.

3 (2) The license and registration certificate shall set  
 4 forth the ages and numbers of children for whom supplemental  
 5 parental care may be provided.

6 (3) The applicant's own children ~~must be~~ ARE NOT  
 7 included in ~~THE MANNER PROVIDED FOR IN DEPARTMENT~~  
 8 REGULATIONS IN the total number of children to be cared for  
 9 under the license or registration certificate.

10 (4) Licenses or registration certificates shall be  
 11 issued for periods not to exceed 1 year. The department  
 12 shall charge no fee to issue a license or registration  
 13 certificate."

14 Section 4. Section 53-4-503, MCA, is amended to read:  
 15 "53-4-503. General Powers and duties of the  
 16 department. The department shall:

17 (1) issue licenses to persons to receive children into  
 18 a day-care facility-children-for-care-during-the-day-or-part  
 19 of-a-day center or group day-care home, AS DEFINED IN  
 20 53-4-501, on a regular basis;

21 (2) prescribe the conditions and publish minimum  
 22 standards upon which licenses and registration certificates  
 23 are issued; and

24 (3) adopt rules for the-conduct-of-the day-care  
 25 facilities which-are consistent with the welfare-of-the

1 children-received, purposes of this part; and

2 (4) issue registration certificates to a person or  
 3 persons to receive children into a family day-care home, AS  
 4 DEFINED IN 53-4-501, on a regular basis."

5 Section 5. Section 53-4-504, MCA, is amended to read:  
 6 "53-4-504. Standards for child day care. The  
 7 department-of-social-and-rehabilitation-services-shall  
 8 prescribe-and-publish-minimum-standards-for-a-license. In  
 9 developing these standards, the department shall seek the  
 10 advice and assistance of the department of health and  
 11 environmental sciences and superintendent of public  
 12 instruction, representatives of day-care facilities,  
 13 specialists in child care, and representatives of parent  
 14 groups who use the services of day-care facilities. The  
 15 standards may pertain to:

16 (1) character, suitability, and qualifications of an  
 17 applicant and other persons directly responsible for the  
 18 care of children;

19 (2) the number of individuals or staff required for  
 20 adequate supervision and care of children in day-care  
 21 centers facilities;

22 (3) child-care programs and practices essential-to-the  
 23 protection-of necessary to ensure the health, safety, SAFETY  
 24 IN transportation, development, and well-being of children;

25 (4) adequate and appropriate admission policies;

1 (5) adequacy of physical facilities and equipment;

2 (6) general financial ability and competence of an

3 applicant to provide necessary care for children and

4 maintain prescribed standards;

5 (7) the ages and numbers of children that may be cared

6 for in a day-care facility."

7 Section 6. Section 53-4-505, MCA, is amended to read:

8 "53-4-505. Fire safety -- certification required. (1)

9 The state fire marshal of the department of justice shall

10 adopt and enforce rules for the protection of children in

11 care--facilities day-care centers and group day-care homes

12 from fire hazards and arrange for such inspections and

13 investigations as it considers necessary.

14 (2) Each--applicant-for-a-license Before a license can

15 be issued to operate a day-care center or group day-care

16 home, each applicant shall submit to the department of

17 social-and-rehabilitation-services a certificate of approval

18 from the fire marshal bureau of the department of justice or

19 its designee, indicating that fire safety rules have been

20 met before-a-license-can-be-issued.

21 (3)--Automatic--sprinkler--systems--acceptable--to--the

22 state--fire--marshal--shall--be--installed--in--all

23 nonfire-resistant--homes--two-stories-or-more-in-height-with

24 10-or-more-children--with-the-state-fire--marshal--to--issue

25 for--the-information-and-use-of-the-department-of-social-and

1 rehabilitation-services-certificates-of-compliance-with-fire

2 rules--and--standards--applicable--to--the--facilities, a

3 reasonable--fee--for-fire-inspections-and-investigations-may

4 be-charged-the-applicant-by-the-fire-marshal-bureau"

5 Section 7. Section 53-4-506, MCA, is amended to read:

6 "53-4-506. Health protection -- certification

7 required. (1) The department of health and environmental

8 sciences shall adopt rules for the protection of children in

9 day-care centers and group day-care homes from the health

10 hazards of overcrowding, inadequate food preparation, poor

11 nutrition, and communicable diseases and-arrange-for-any

12 inspections-and-investigations-it-considers-necessary.

13 (2) Local public health authorities shall arrange to

14 provide training to day-care center and GROUP home providers

15 and employees regarding health hazards. Upon successful

16 completion of the training the local public health

17 authorities shall issue certificates to the providers and

18 employees.

19 (3) In lieu of training, local public health

20 authorities may elect to inspect facilities and issue

21 certificates of approval to child care center and GROUP home

22 providers.

23 (4) Each applicant for a license to operate a

24 day-care center or group day-care home shall submit to the

25 department of social--and--rehabilitation--services a



1 certificate ~~of approval that the department of health and~~  
 2 ~~environmental sciences rules have been met before a~~ license  
 3 ~~can be issued~~ issued pursuant to subsection (2) or (3)  
 4 before the department will issue a license.

5 (5) The local public health authority may charge the  
 6 applicant a reasonable fee, not to exceed \$25, for any  
 7 inspection necessary to issue a certificate of approval, or  
 8 a fee not to exceed the documented cost for training it  
 9 provides under this section."

10 Section 8. Section 53-4-507, MCA, is amended to read:

11 "53-4-507. Application for a license or registration  
 12 certificate. (1) Application for a license or registration  
 13 certificate shall be made to the department ~~of social and~~  
 14 ~~rehabilitation services through the county department of~~  
 15 ~~public welfare~~ in the county in which the applicant lives on  
 16 forms prescribed by the department ~~of social and~~  
 17 ~~rehabilitation services.~~ ~~Upon receipt of the application,~~  
 18 ~~the county welfare department shall within a reasonable time~~  
 19 ~~investigate to determine whether a license should be~~  
 20 ~~granted.~~

21 (2) Applications for a license or registration  
 22 certificate by Indians residing on Indian reservations shall  
 23 be made through the tribal governing body on forms  
 24 prescribed by the department ~~of social and rehabilitation~~  
 25 ~~services.~~ Applications made through a tribal governing body

1 shall be accompanied by a request by the tribal governing  
 2 body that the county ~~welfare department in the county in~~  
 3 ~~which the applicant resides~~ investigate to determine whether  
 4 a license or registration certificate should be granted.  
 5 ~~This investigation shall be made within a reasonable time.~~  
 6 (3) Within 30 days of receipt of the application, the  
 7 department shall investigate to determine whether a license  
 8 or registration certificate should be issued."

9 Section 9. Section 53-4-508, MCA, is amended to read:

10 "53-4-508. Requirements for licensure. (1) The  
 11 department ~~must issue licenses to agencies meeting the~~  
 12 ~~following minimum~~ shall include in the minimum standards for  
 13 day-care centers and group day-care homes the following  
 14 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 day-care facility is sufficient  
 19 in number as provided by rule to provide adequate  
 20 supervision and care of the children admitted in the  
 21 facility.

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

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

4 ~~fj) Physical facilities are of a kind that can meet~~  
 5 ~~the minimum state standards to provide for the protection of~~  
 6 ~~the children from fire and health hazards.~~

7 ~~fk) e) Intake records are kept on each child admitted~~  
 8 ~~for care.~~

9 ~~fl) f) The applicant and staff limit admissions to the~~  
 10 ~~maximum number indicated on the current license.~~

11 ~~fm) g) The applicant will arrange for the necessary~~  
 12 ~~precautions to guard against communicable diseases.~~

13 ~~fn) h) Public liability insurance and fire insurance~~  
 14 ~~are currently in force for the protection of the operator,~~  
 15 ~~his staff, and the facility.~~

16 ~~fo) i) Specify the ages and numbers of children that may~~  
 17 ~~be cared for in a day-care facility.~~

18 (2) It ~~shall be~~ is the duty of the department or its  
 19 authorized representative to assist applicants in meeting  
 20 the minimum requirements."

21 Section 10. Section 53-4-509, MCA, is amended to read:

22 "53-4-509. Provisional license ~~is~~ provisional  
 23 registration certificate. (1) The department of ~~social and~~  
 24 ~~rehabilitation services~~ may in its discretion issue a  
 25 provisional license or provisional registration certificate

1 for a period of ~~not more than~~ which may not exceed 6 months  
 2 if it finds that a ~~substandard~~ day-care facility or  
 3 applicant does not meet all standards established by the  
 4 department, as long as the facility or applicant is  
 5 attempting to meet the minimum standards.

6 (2) The department may not waive the requirement that  
 7 a day-care ~~center shall~~ facility be certified by the state  
 8 ~~fire marshal of the department of justice~~ under the  
 9 provisions of 53-4-505 and the ~~department of health and~~  
 10 ~~environmental sciences may not be waived~~ 53-4-506.

11 (3) The department may not waive the requirement that  
 12 a day-care facility have current and adequate public  
 13 liability insurance and fire insurance."

14 Section 11. Section 53-4-510, MCA, is amended to read:

15 "53-4-510. Renewal of license ~~is~~ registration  
 16 certificate. If a licensed or registered day-care facility  
 17 desires to ~~apply for a renewal of its~~ renew a license or  
 18 registration certificate, the request for renewal shall be  
 19 made in writing, on forms prescribed by the department,  
 20 in the county in which the applicant lives, 30 days prior  
 21 to the expiration of its license or registration  
 22 certificate."

23 Section 12. Section 53-4-511, MCA, is amended to read:

24 "53-4-511. Periodic visits to facilities by department  
 25 ~~investigations~~ investigations -- consultation with licensees and

1 ~~registrants. (1) It shall be the duty of the~~ The department  
 2 or its authorized representative ~~to shall~~ make periodic  
 3 visits to all licensed day-care ~~facilities~~ centers and group  
 4 day-care homes to ensure that minimum standards are  
 5 maintained. ~~and to~~

6 ~~(2) The department may investigate and inspect the~~  
 7 ~~conditions and qualifications of any day-care center, group~~  
 8 ~~day-care home, or family day-care home, AS DEFINED IN~~  
 9 ~~53-4-501, seeking or holding a license or registration~~  
 10 ~~certificate under the provisions of this part.~~

11 ~~(3) The department must visit and inspect at least 15%~~  
 12 ~~of all registered family day-care homes in each region OF~~  
 13 ~~THE GOVERNOR'S PLANNING REGIONS annually.~~

14 ~~(4) Upon request of the department, the state~~  
 15 ~~department of health or the state fire marshal or his~~  
 16 ~~designee shall inspect any day-care facility for which a~~  
 17 ~~license or registration certificate is applied for or issued~~  
 18 ~~and shall report its findings to the department.~~

19 ~~(5) Upon request the department shall give~~  
 20 ~~consultation upon request to every licensee and registrant~~  
 21 ~~who desires to upgrade the services of his facility~~  
 22 ~~program."~~

23 Section 13. Section 53-4-512, MCA, is amended to read:

24 "53-4-512. Licensees or registrants to maintain  
 25 records, furnish reports, and permit inspections. It shall

1 be the duty of every applicant for a license or for  
 2 registration and every licensee or registrant to give the  
 3 right of entrance to and inspection of premises to  
 4 representatives of the department at reasonable times, to  
 5 keep and maintain such records as the department may  
 6 prescribe, to permit inspection of these records, and to  
 7 report to the department such facts as may be required on  
 8 ~~blank~~ forms furnished by the department."

9 Section 14. Section 53-4-513, MCA, is amended to read:

10 "53-4-513. Denial, cancellation, reduction,  
 11 revocation, and nonrenewal of licenses and registration  
 12 certificates -- fair hearing. (1) The department, after  
 13 ~~written~~ notice and ~~opportunity for hearing~~ to the applicant,  
 14 or licensee, or registrant, may deny, suspend, cancel,  
 15 reduce, modify, or revoke a license ~~in any case in which it~~  
 16 ~~finds that there has been a substantial failure to comply~~  
 17 ~~with the requirements established under this law~~ or  
 18 registration certificate upon finding that:

19 (a) any of the applicable conditions set forth in this  
 20 part as prerequisites for the issuance of a license or  
 21 registration certificate no longer exist;

22 (b) the licensee or registrant is no longer in  
 23 compliance with the minimum standards prescribed by the  
 24 department; or

25 (c) the license or registration certificate was issued

1 upon fraudulent or untrue representation.

2 (2) The applicant, licensee, or registrant by written  
 3 request may invoke the opportunity for hearing on the  
 4 department's action by requesting a hearing within 10 days  
 5 of notice of department action. The hearing shall be  
 6 conducted according to the department's rules."

7 Section 15. Section 53-4-514, MCA, is amended to read:

8 "53-4-514. Payments for eligible children. The  
 9 department shall pay to a ~~licensed-day-care-facility-for~~  
 10 ~~each-child-eligible-to-receive-public-financial-support-not~~  
 11 ~~less-than-\$4.50-until-December-31-1980-and-\$5-thereafter~~  
 12 ~~for-each-day-the-child-attends-the-facility. For those~~  
 13 ~~day-care-facilities-which-meet-federal-requirements, the~~  
 14 ~~department-shall-pay-an-additional-\$1-per-day-for-each~~  
 15 ~~eligible-child~~ daily rate established by the department AND  
 16 APPROPRIATED BY THE LEGISLATURE to a day-care facility  
 17 licensed or registered by the department for each child  
 18 receiving day-care service and certified eligible by the  
 19 department to receive day-care services."

20 Section 16. Section 53-4-515, MCA, is amended to read:

21 "53-4-515. Violations. (1) If when the department is  
 22 advised or has reason to believe that a person, group of  
 23 persons, or corporation is operating a child-care day-care  
 24 facility without a license or registration certificate, it  
 25 shall make an investigation to ascertain the facts. If it

1 the department finds that the child-care day-care facility  
 2 is being or has been operated without a license or  
 3 registration certificate, AS REQUIRED BY THIS PART, it may  
 4 report the results of its investigation to the attorney  
 5 general or the county attorney of the county where the  
 6 child-care day-care facility is being operated for  
 7 prosecution and request that an injunction be issued against  
 8 the facility until a license or certificate is issued.

9 (2) In addition, the The department may institute any  
 10 action necessary to enforce compliance with this part or any  
 11 order or rule of the department under this part or to obtain  
 12 a judicial interpretation of any of the foregoing.

13 (3) The department may institute action by its own  
 14 attorney or counsel, or may call upon any county attorney,  
 15 or the attorney general, to represent it initiate an action  
 16 in the district court of the appropriate county ~~in which the~~  
 17 ~~action is taken or the attorney general to represent it and~~  
 18 be represented by such representative on appeal to the  
 19 supreme court of Montana ~~or it may associate its own counsel~~  
 20 ~~with either in any court."~~

21 Section 17. Section 53-4-516, MCA, is amended to read:

22 "53-4-516. Expanded day-care assistance. (1) In  
 23 addition to the payments authorized under 53-4-514 and  
 24 available federal funding, the department ~~of social and~~  
 25 ~~rehabilitation services~~ shall pay to a licensed or

1 registered day-care facility, for each child eligible to  
2 receive public financial support, a portion of the total  
3 cost of day-care as determined under subsection (2).

4 (2) The level of expanded day-care assistance provided  
5 under this section shall decrease as family income increases  
6 according to the following criteria:

7 (a) A family whose family income is 150% of the AFDC  
8 level is eligible for 100% of day-care costs.

9 (b) A family whose family income is equal to or above  
10 75% of the state's median income for families of like size  
11 is not eligible to receive expanded day-care assistance.

12 (c) A family whose family income is between the levels  
13 established under (a) and (b) above is eligible to receive  
14 expanded day-care assistance established on a 12-step  
15 progressive scale establishing income brackets and support  
16 levels as nearly equal as possible. This additional day-care  
17 assistance will provide for the gradual assumption of the  
18 total cost of day-care by the parents of eligible children  
19 based upon the 12 income brackets and support levels  
20 established.

21 (d) The department of ~~social and rehabilitation~~  
22 services shall establish an expanded day-care assistance  
23 schedule in accordance with the procedures of the Montana  
24 Administrative Procedure Act.

25 (3) The department of ~~social and rehabilitation~~

1 services may transfer money between programs to affect  
2 effect the purposes of this section."

3 ~~NEW SECTION--Section 18--Penalty--A person, group of~~  
4 ~~persons, or corporation who establishes or maintains a~~  
5 ~~day-care facility CENTER-OR-GROUP-DAY-CARE-HOME or assists~~  
6 ~~in conducting or maintaining a day-care facility CENTER-OR-~~  
7 ~~GROUP-DAY-CARE-HOME without first obtaining a license or~~  
8 ~~registration certificate from the department as provided for~~  
9 ~~in this part is guilty of a misdemeanor and upon conviction~~  
10 ~~is punishable by a fine not to exceed \$500.~~

11 Section 18. Codification instruction. Sections SECTION  
12 1 and ~~18~~ is intended to be codified as an integral part of  
13 Title 53, chapter 4, part 5, and the provisions of Title 53,  
14 chapter 4, part 5, apply to sections SECTION 1 and ~~18~~.

-End-

## 1 STATEMENT OF INTENT

## 2 HOUSE BILL 646

## 3 House Human Services Committee

4  
5 House Bill 646 generally clarifies the state laws  
6 relating to child day-care facilities. (Title 53, chapter 4,  
7 part 5)

8 Levels of care are specifically defined:

9 (1) Day-care center provides care for 13 or more  
10 children. (53-4-501, MCA)

11 (2) Group day-care home provides care for 7 to 12  
12 children. (53-4-501, MCA)

13 (3) Family day-care home provides care for 6-or-fewer  
14 THREE TO SIX children FROM SEPARATE FAMILIES. (53-4-501,  
15 MCA)

16 The term "day-care facility" has been expanded to  
17 include all levels of care. (53-4-501, MCA)

18 House Bill 646 in sections 53-4-501 and 53-4-502, MCA,  
19 eliminates the requirement for family day-care homes AND  
20 GROUP DAY-CARE HOMES to be licensed, and requires a provider  
21 to simply register with the Department of Social and  
22 Rehabilitation Services that they comply with minimal state  
23 regulations for quality care.

24 Rulemaking authority. Although House Bill 646 amends  
25 53-4-501 through 53-4-516, MCA, the present law does give

1 the Department of Social and Rehabilitation Services the  
2 authority for the purposes of Title 53, chapter 4, part 5,  
3 to license child day-care facilities and for rulemaking  
4 authority in relation to licensing. However, because of the  
5 new provisions in this act and the fact rules have not been  
6 revised since 1965, it is anticipated new rules will be  
7 promulgated.

8 Rules relating to licensing or registration will  
9 address the following areas:

10 (1) Family day-care homes AND GROUP DAY-CARE HOMES --  
11 character, suitability, qualifications of applicants to care  
12 for children; programs and practices for health, safety,  
13 transportation, development; ages and numbers of children  
14 that may be cared for in a day-care facility.

15 (2) Group--day-care--homes--and DAY-CARE centers --  
16 including the above -- numbers of staff required for  
17 adequate supervision; physical facilities and equipment;  
18 admission procedures; health supervision of staff, essential  
19 records, general financial ability and competence of an  
20 applicant to provide necessary care and maintain prescribed  
21 standards. Availability of public liability insurance and  
22 fire insurance is applicable to all levels of care.  
23 (53-4-508, MCA)

24 (3) Rules dealing with health and safety will be  
25 developed with the assistance of the Department of Health

HB 646

1 and Environmental Sciences. (53-4-506, MCA)

2 (4) Physical well-being and safety of the children in  
3 day-care facilities is provided by the state Fire Marshal  
4 who shall adopt standards for fire and life safety.  
5 (53-4-505, MCA)

6 It is the intention of the Legislature that the rates  
7 payable to a day-care facility under section 15 be set after  
8 the appropriation level has been determined by the  
9 Legislature.

HOUSE BILL NO. 646

INTRODUCED BY DUSSAULT

BY REQUEST OF

THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY THE STATE LAWS RELATING TO CHILD DAY-CARE FACILITIES; TO CLARIFY THE RULEMAKING AUTHORITY OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; TO REQUIRE REGISTRATION OF FAMILY DAY-CARE HOMES AND GROUP DAY-CARE HOMES; TO PROVIDE A PENALTY FOR FAILURE TO COMPLY; AMENDING SECTIONS 53-4-501 THROUGH 53-4-516, MCA."

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

NEW SECTION. Section 1. Purpose. The purpose of this part is to assure that children requiring supplemental parental care be provided such food, shelter, security and safety, guidance and direction, nurture and comfort, and learning experiences commensurate to their ages and capabilities so as to safeguard the growth and development of such children, thereby facilitating their proper physical and emotional maturation.

Section 2. Section 53-4-501, MCA, is amended to read: "53-4-501. Definitions. In this part, the following definitions apply:

(1) "Child" means a person under 12 years of age.

(2) "Day-care facility" means a person, association, or place, incorporated or unincorporated, that receives-for care-during-the-day--or--part--of--the--day--three--or--more children--of--separate--families--and--continues--this--type--of care-for-5-or-more-consecutive-weeks provides supplemental parental care on a regular basis. It includes a family day-care home, a day-care center, or a group day-care home. It does not include a person who limits care to children who are related to him by blood or marriage or under his legal guardianship or any group facility established chiefly for educational purposes.

(3) "Day-care center" means a day-care-facility-that receives-seven-or-more-children-for-care-for-5-or-more-hours-of-the-day-for-5-or-more-consecutive-weeks--it--may--include facilities-known-as-child-care-centers,-nursery-schools,-day nurseries--and--centers--for-the-mentally-retarded place in which supplemental parental care is provided to 13 or more children on a regular basis.

(4) "Department" means the department of social and rehabilitation services provided for in Title 2, chapter 15, part 22.

(5) "Day care" means supplemental parental child care.

(6) "Supplemental parental child care" means the provision of food, shelter, and learning experiences



1 commensurate with a child's age and capabilities so as to  
 2 safeguard the child's growth and development on a  
 3 supplemental basis outside of the child's home by an adult  
 4 other than a parent, guardian, person in loco parentis, or  
 5 relative on a regular basis for daily periods of less than  
 6 24 hours.

7 (7) "Regular basis" means providing supplemental  
 8 parental care to children of separate families for any daily  
 9 periods of less than 24 hours and within 3 or more  
 10 consecutive weeks.

11 (8) "Family day-care home" means a private residence  
 12 in which supplemental parental care is provided to THREE TO  
 13 six or--fewer children FROM SEPARATE FAMILIES on a regular  
 14 basis THAT-ELIGIBLE-TO-BE-ELIGIBLE-FOR-PAYMENTS-UNDER-53-4-514  
 15 AND-53-4-516.

16 (9) "Group day-care home" means a private residence in  
 17 which supplemental parental care is provided to 7 to 12  
 18 children on a regular basis THAT-ELIGIBLE-TO-BE-ELIGIBLE-FOR  
 19 PAYMENT-UNDER-53-4-514-AND-53-4-516.

20 (10) "Registration" means the process whereby the  
 21 department maintains a record of all family day-care homes  
 22 AND GROUP DAY-CARE HOMES, prescribes standards, promulgates  
 23 rules, and requires the operator of a family day-care home  
 24 OR A GROUP DAY-CARE HOME to certify that he has complied  
 25 with the prescribed standards and promulgated rules.

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

4 (12) "Registration certificate" means a written  
 5 instrument issued by the department to publicly document  
 6 that the certificate holder has, in writing, certified to  
 7 the department his compliance with this part and the  
 8 applicable standards for family day-care homes AND GROUP  
 9 DAY-CARE HOMES.

10 (13) "License" means a written document issued by the  
 11 department that the license holder has complied with this  
 12 part and the applicable standards and rules for day-care  
 13 centers and-group-day-care-homes.

14 (14) "Licensee" means the holder of a license issued by  
 15 the department in accordance with the provisions of this  
 16 part."

17 Section 3. Section 53-4-502, MCA, is amended to read:  
 18 "53-4-502. License required -- registration required  
 19 -- term of license or registration certificate -- no fee  
 20 charged. (1) No person, group of persons, or corporation  
 21 shall:

22 (a) establish and or maintain a day-care facility  
 23 center or--group-day-care-home-AS-DEFINED-IN-53-4-501, for  
 24 children unless licensed to do so by the department;--the  
 25 license-shall-be-valid-for-1-year--there-shall-be-no-fee-for

1 the license  
 2 (b) operate a family day-care home, ~~AS DEFINED IN~~  
 3 ~~53-4-501, OR GROUP DAY-CARE HOME~~ without first procuring a  
 4 family day-care OR GROUP DAY-CARE registration certificate  
 5 from the department.

6 (2) The license and registration certificate shall set  
 7 forth the ages and numbers of children for whom supplemental  
 8 parental care may be provided.

9 (3) The applicant's own children ~~must be~~ ARE NOT MUST  
 10 BE included in ~~THE MANNER PROVIDED FOR IN DEPARTMENT~~  
 11 ~~REGULATIONS IN THE MANNER PROVIDED FOR IN DEPARTMENT~~  
 12 REGULATIONS IN the total number of children to be cared for  
 13 under the license or registration certificate.

14 (4) Licenses or registration certificates shall be  
 15 issued for periods not to exceed 1 year. The department  
 16 shall charge no fee to issue a license or registration  
 17 certificate."

18 Section 4. Section 53-4-503, MCA, is amended to read:  
 19 "53-4-503. General Powers and duties of the  
 20 department. The department shall:

21 (1) issue licenses to persons to receive children into  
 22 a day-care facility ~~children for care during the day or part~~  
 23 ~~of a day center or group day-care home, AS DEFINED IN~~  
 24 ~~53-4-501, on a regular basis;~~

25 (2) prescribe the conditions and publish minimum

1 standards upon which licenses and registration certificates  
 2 are issued; and

3 (3) adopt rules for the ~~conduct of the~~ day-care  
 4 facilities which ~~are~~ consistent with the ~~welfare of the~~  
 5 children ~~received~~ purposes of this part; and

6 (4) issue registration certificates to a person or  
 7 persons to receive children into a family day-care home, ~~AS~~  
 8 ~~DEFINED IN 53-4-501, OR GROUP DAY-CARE HOME~~ on a regular  
 9 basis."

10 Section 5. Section 53-4-504, MCA, is amended to read:

11 "53-4-504. Standards for child day care. The  
 12 department ~~of social and rehabilitation services shall~~  
 13 ~~prescribe and publish minimum standards for a license.~~ In  
 14 developing these standards, the department shall seek the  
 15 advice and assistance of the department of health and  
 16 environmental sciences and superintendent of public  
 17 instruction, representatives of day-care facilities,  
 18 specialists in child care, and representatives of parent  
 19 groups who use the services of day-care facilities. The  
 20 standards may pertain to:

21 (1) character, suitability, and qualifications of an  
 22 applicant and other persons directly responsible for the  
 23 care of children;

24 (2) the number of individuals or staff required for  
 25 adequate supervision and care of children in day-care

1 centers facilities;

2 (3) child-care programs and practices essential to the

3 protection of necessary to ensure the health, safety, SAFETY

4 IN transportation, development, and well-being of children;

5 (4) adequate and appropriate admission policies;

6 (5) adequacy of physical facilities and equipment;

7 (6) general financial ability and competence of an

8 applicant to provide necessary care for children and

9 maintain prescribed standards;

10 (7) the ages and numbers of children that may be cared

11 for in a day-care facility."

12 Section 6. Section 53-4-505, MCA, is amended to read:

13 "53-4-505. Fire safety -- certification required. (1)

14 The state fire marshal of the department of justice shall

15 adopt and enforce rules for the protection of children in

16 care-facilities day-care centers and--group--day-care--homes

17 from fire hazards and arrange for such inspections and

18 investigations as it considers necessary.

19 (2) Each applicant for a license Before a license can

20 be issued to operate a day-care center or-group-day-care

21 home, each applicant shall submit to the department of

22 social-and-rehabilitation-services a certificate of approval

23 from the fire marshal bureau of the department of justice or

24 its designee, indicating that fire safety rules have been

25 met before-a-license-can-be-issued.

1 (3) Automatic sprinkler systems acceptable to the

2 state--fire--marshal--shall--be--installed--in--all

3 nonfire-resistant homes two stories or more in height with

4 10--or--more--children--with--the--state--fire--marshal--to--issue

5 for--the--information--and--use--of--the--department--of--social--and

6 rehabilitation--services--certificates--of--compliance--with--fire

7 rules--and--standards--applicable--to--the--facilities. A

8 reasonable fee for fire inspections and investigations may

9 be charged the applicant by the fire marshal bureau"

10 Section 7. Section 53-4-506, MCA, is amended to read:

11 "53-4-506. Health protection -- certification

12 required. (1) The department of health and environmental

13 sciences shall adopt rules for the protection of children in

14 day-care centers and-group-day-care-homes from the health

15 hazards of overcrowding, inadequate food preparation, poor

16 nutrition, and communicable diseases and--arrange--for--any

17 inspections-and-investigations-it-considers-necessary.

18 (2) Local public health authorities shall arrange to

19 provide training to day-care center and GROUP home providers

20 and employees regarding health hazards. Upon successful

21 completion of the training the local public health

22 authorities shall issue certificates to the providers and

23 employees.

24 (3) In lieu of training, local public health

25 authorities may elect to inspect facilities and issue

1 certificates of approval to child care center and GROUP home  
 2 providers.

3 ~~Each applicant for a license to operate a~~  
 4 ~~day-care center or group day-care home shall submit to the~~  
 5 ~~department of social and rehabilitation services a~~  
 6 ~~certificate of approval that the department of health and~~  
 7 ~~environmental sciences rules have been met before a license~~  
 8 ~~can be issued issued pursuant to subsection (2) or (3)~~  
 9 ~~before the department will issue a license.~~

10 (5) The local public health authority may charge the  
 11 applicant a reasonable fee, not to exceed \$25, for any  
 12 inspection necessary to issue a certificate of approval, or  
 13 a fee not to exceed the documented cost for training it  
 14 provides under this section."

15 Section 8. Section 53-4-507, MCA, is amended to read:

16 "53-4-507. Application for a license or registration  
 17 certificate. (1) Application for a license or registration  
 18 certificate shall be made to the department of social and  
 19 rehabilitation services through the county department of  
 20 public welfare in the county in which the applicant lives on  
 21 forms prescribed by the department of social and  
 22 rehabilitation services. Upon receipt of the application  
 23 the county welfare department shall within a reasonable time  
 24 investigate to determine whether a license should be  
 25 granted.

1 (2) Applications for a license or registration  
 2 certificate by Indians residing on Indian reservations shall  
 3 be made through the tribal governing body on forms  
 4 prescribed by the department of social and rehabilitation  
 5 services. Applications made through a tribal governing body  
 6 shall be accompanied by a request by the tribal governing  
 7 body that the county welfare department in the county in  
 8 which the applicant resides investigate to determine whether  
 9 a license or registration certificate should be granted.

10 ~~This investigation shall be made within a reasonable time.~~  
 11 (3) Within 30 days of receipt of the application, the  
 12 department shall investigate to determine whether a license  
 13 or registration certificate should be issued."

14 Section 9. Section 53-4-508, MCA, is amended to read:

15 "53-4-508. Requirements for licensure. (1) The  
 16 department ~~must issue licenses to agencies meeting the~~  
 17 ~~following minimum shall include in the minimum standards for~~  
 18 ~~day-care centers and group day-care homes the following~~  
 19 requirements:

20 (a) The applicant, his employees, and all those  
 21 persons who will come in direct contact with the children  
 22 are of good moral character.

23 (b) The staff of the day-care facility is sufficient  
 24 in number as provided by rule to provide adequate  
 25 supervision and care of the children admitted in the

1 facility.

2 (c) Essential programs and practices carried on by the  
3 facility staff are developed and carried out with due regard  
4 for the protection of the health, safety, development, and  
5 well-being of the children.

6 (d) Applicant and staff are qualified by practical  
7 experience or education or training to give good care and  
8 treatment to the children.

9 ~~(e) Physical facilities are of a kind that can meet  
10 the minimum state standards to provide for the protection of  
11 the children from fire and health hazards.~~

12 ~~(f)(e)~~ Intake records are kept on each child admitted  
13 for care.

14 ~~(g)(f)~~ The applicant and staff limit admissions to the  
15 maximum number indicated on the current license.

16 ~~(h)(g)~~ The applicant will arrange for the necessary  
17 precautions to guard against communicable diseases.

18 ~~(i)(h)~~ Public liability insurance and fire insurance  
19 are currently in force for the protection of the operator,  
20 his staff, and the facility.

21 (i) Specify the ages and numbers of children that may  
22 be cared for in a day-care facility.

23 (2) It ~~shall~~ is the duty of the department or its  
24 authorized representative to assist applicants in meeting  
25 the minimum requirements."

1 Section 10. Section 53-4-509, MCA, is amended to read:

2 "53-4-509. Provisional license ~~is~~ provisional  
3 registration certificate. (1) The department of ~~society and~~  
4 ~~rehabilitation services~~ may in ~~its~~ discretion issue a  
5 provisional license or provisional registration certificate  
6 for a period of ~~not more than~~ which may not exceed 6 months  
7 if it finds that a ~~substandard~~ day-care facility or  
8 applicant does not meet all standards established by the  
9 department, as long as the facility or applicant is  
10 attempting to meet the minimum standards.

11 (2) The department may not waive the requirement that  
12 a day-care center ~~shall~~ facility CENTER be certified by ~~the~~  
13 ~~state fire marshal of the department of justice~~ under the  
14 provisions of 53-4-505 and ~~the department of health and~~  
15 ~~environmental sciences may not be waived~~ 53-4-506.

16 (3) The department may not waive the requirement that  
17 a day-care facility have current and adequate public  
18 liability insurance and fire insurance."

19 Section 11. Section 53-4-510, MCA, is amended to read:

20 "53-4-510. Renewal of license ~~is~~ registration  
21 certificate. If a licensed or registered day-care facility  
22 desires to ~~apply for a renewal of its~~ renew a license, a or  
23 registration certificate, the request for renewal shall be  
24 made in writing, on forms prescribed by to the department,  
25 to in the county in which the applicant lives, 30 days prior

1 to the expiration of its license or registration  
2 certificate."

3 Section 12. Section 53-4-511, MCA, is amended to read:

4 "53-4-511. Periodic visits to facilities by department  
5 ~~investigations~~ -- consultation with licensees and  
6 registrants. ~~(1) It shall be the duty of the~~ The department  
7 or its authorized representative to shall make periodic  
8 visits to all licensed day-care facilities centers and group  
9 day-care homes to ensure that minimum standards are  
10 maintained, ~~and to~~

11 (2) The department may investigate and inspect the  
12 conditions and qualifications of any day-care center, group  
13 day-care home, or family day-care home. ~~AS DEFINED IN~~  
14 53-4-501, seeking or holding a license or registration  
15 certificate under the provisions of this part.

16 (3) The department must visit and inspect at least 15%  
17 of all registered family day-care homes AND GROUP DAY-CARE  
18 HOMES in each region OF THE GOVERNOR'S PLANNING REGIONS  
19 annually.

20 (4) Upon request of the department, the state  
21 department of health or the state fire marshal or his  
22 designee shall inspect any day-care facility for which a  
23 license or registration certificate is applied for or issued  
24 and shall report its findings to the department.

25 (5) Upon request the department shall give

1 consultation ~~upon request~~ to every licensee and registrant  
2 who desires to upgrade the services of his facility  
3 program."

4 Section 13. Section 53-4-512, MCA, is amended to read:

5 "53-4-512. Licensees or registrants to maintain  
6 records, furnish reports, and permit inspections. It shall  
7 be the duty of every applicant for a license or for  
8 registration and every licensee or registrant to give the  
9 right of entrance to and inspection of premises to  
10 representatives of the department at reasonable times, to  
11 keep and maintain such records as the department may  
12 prescribe, to permit inspection of these records, and to  
13 report to the department such facts as may be required on  
14 blank forms furnished by the department."

15 Section 14. Section 53-4-513, MCA, is amended to read:

16 "53-4-513. Denial, cancellation, reduction,  
17 revocation, and nonrenewal of licenses and registration  
18 certificates -- fair hearing. (1) The department, after  
19 written notice and opportunity for hearing to the applicant,  
20 or licensee, or registrant, may deny, suspend, cancel,  
21 reduce, modify, or revoke a license ~~in any case in which it~~  
22 ~~finds that there has been a substantial failure to comply~~  
23 ~~with the requirements established under this law~~ or  
24 registration certificate upon finding that:

25 (a) any of the applicable conditions set forth in this

1 part as prerequisites for the issuance of a license or  
2 registration certificate no longer exist;

3 (b) the licensee or registrant is no longer in  
4 compliance with the minimum standards prescribed by the  
5 department; or

6 (c) the license or registration certificate was issued  
7 upon fraudulent or untrue representation.

8 (2) The applicant, licensee, or registrant by written  
9 request may invoke the opportunity for hearing on the  
10 department's action by requesting a hearing within 10 days  
11 of notice of department action. The hearing shall be  
12 conducted according to the department's rules."

13 Section 15. Section 53-4-514, MCA, is amended to read:

14 "53-4-514. Payments for eligible children. The  
15 department shall pay to a licensed-day-care-facility-for  
16 each-child-eligible-to-receive-public-financial-support-not  
17 less--than--\$4.50-until-December-31-1980-and-\$5-thereafter  
18 for-each-day-the-child--attends--the--facility--for--those  
19 day-care--facilities--which--meet--federal-requirements--the  
20 department--shall-pay-an--additional--\$1-per-day--for--each  
21 eligible--child daily rate established by the department AND  
22 APPROPRIATED BY THE LEGISLATURE to a day-care facility  
23 licensed or registered by the department for each child  
24 receiving day-care service and certified eligible by the  
25 department to receive day-care services."

1 Section 16. Section 53-4-515, MCA, is amended to read:

2 "53-4-515. Violations. (1) If When the department is  
3 advised or has reason to believe that a person, group of  
4 persons, or corporation is operating a child-care day-care  
5 facility without a license or registration certificate, it  
6 shall make an investigation to ascertain the facts. If ~~it~~  
7 the department finds that the child-care day-care facility  
8 is being or has been operated without a license or  
9 registration certificate--AS REQUIRED BY THIS PART, it may  
10 report the results of its investigation to the attorney  
11 general or the county attorney of the county where the  
12 child-care day-care facility is being operated for  
13 prosecution and request that an injunction be issued against  
14 the facility until a license or certificate is issued.

15 (2) In addition--the The department may institute any  
16 action necessary to enforce compliance with this part or any  
17 order or rule of the department under this part or to obtain  
18 a judicial interpretation of any of the foregoing.

19 (3) The department may, institute action by its own  
20 attorney or counsel, or may call upon any county attorney,  
21 or the attorney general, to represent it initiate an action  
22 in the district court of the appropriate county in which the  
23 action is taken--or the attorney general to represent it and  
24 be represented by such representative on appeal to the  
25 supreme court of Montana ~~or it may associate its own counsel~~

1 ~~with either in any court."~~

2 Section 17. Section 53-4-516, MCA, is amended to read:

3 "53-4-516. Expanded day-care assistance. (1) In  
4 addition to the payments authorized under 53-4-514 and  
5 available federal funding, the department of ~~social and~~  
6 ~~rehabilitation services~~ shall pay to a licensed or  
7 registered day-care facility, for each child eligible to  
8 receive public financial support, a portion of the total  
9 cost of day-care as determined under subsection (2).

10 (2) The level of expanded day-care assistance provided  
11 under this section shall decrease as family income increases  
12 according to the following criteria:

13 (a) A family whose family income is 150% of the AFDC  
14 level is eligible for 100% of day-care costs.

15 (b) A family whose family income is equal to or above  
16 75% of the state's median income for families of like size  
17 is not eligible to receive expanded day-care assistance.

18 (c) A family whose family income is between the levels  
19 established under (a) and (b) above is eligible to receive  
20 expanded day-care assistance established on a 12-step  
21 progressive scale establishing income brackets and support  
22 levels as nearly equal as possible. This additional day-care  
23 assistance will provide for the gradual assumption of the  
24 total cost of day-care by the parents of eligible children  
25 based upon the 12 income brackets and support levels

1 established.

2 (d) The department of ~~social and rehabilitation~~  
3 ~~services~~ shall establish an expanded day-care assistance  
4 schedule in accordance with the procedures of the Montana  
5 Administrative Procedure Act.

6 (3) The department of ~~social and rehabilitation~~  
7 ~~services~~ may transfer money between programs to affect  
8 effect the purposes of this section."

9 ~~NEW SECTION. SECTION 18. PENALTY. A PERSON, GROUP OF~~  
10 ~~PERSONS, OR CORPORATION WHO ESTABLISHES OR MAINTAINS A~~  
11 ~~DAY-CARE FACILITY CENTER OR GROUP DAY-CARE HOME OR ASSISTS~~  
12 ~~IN CONDUCTING OR MAINTAINING A DAY-CARE FACILITY CENTER OR~~  
13 ~~GROUP DAY-CARE HOME WITHOUT FIRST OBTAINING A LICENSE OR~~  
14 ~~REGISTRATION CERTIFICATE FROM THE DEPARTMENT AS PROVIDED FOR~~  
15 ~~IN THIS PART IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION~~  
16 ~~IS PUNISHABLE BY A FINE NOT TO EXCEED \$500.~~

17 NEW SECTION. SECTION 18. PENALTY. A PERSON, GROUP OF  
18 PERSONS, OR CORPORATION WHO ESTABLISHES OR MAINTAINS A  
19 DAY-CARE CENTER OR ASSISTS IN CONDUCTING OR MAINTAINING A  
20 DAY-CARE CENTER WITHOUT FIRST OBTAINING A LICENSE FROM THE  
21 DEPARTMENT AS PROVIDED FOR IN THIS PART IS GUILTY OF A  
22 MISDEMEANOR AND UPON CONVICTION IS PUNISHABLE BY A FINE NOT  
23 TO EXCEED \$500.

24 Section 19. Codification instruction. Sections ~~SECTION~~  
25 SECTIONS 1 and 18 AND 18 ~~is~~ ARE intended to be codified as



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1 an integral part of Title 53, chapter 4, part 5, and the  
2 provisions of Title 53, chapter 4, part 5, apply to sections  
3 ~~SECTION~~ SECTIONS 1 and 18 ~~AND 18~~.

-End-

March 26, 1981

SENATE STANDING COMMITTEE REPORT  
(Public Health, Welfare & Safety)

That House Bill No. 646 be amended as follows:

1. Page 3, lines 11 and 12.

Following: "to"

Insert: "three to"

Following: "six"

Strike: "or fewer"

Following: "children"

Insert: "from separate families"

2. Page 3, line 12.

Following: "basis"

Insert: "that elects to be eligible for payments under sections  
53-4-514 and 53-4-516"

3. Page 3, line 15.

Following: "basis"

Insert: "that elects to be eligible for payment under sections  
53-4-514 and 53-4-516"

4. Page 4, line 18.

Following: "home"

Insert: ",as defined in 53-4-501,"

5. Page 4, line 21.

Following: "home"

Insert: ",as defined in 53-4-501,"

6. Page 5, line 2.

Following: "children"

Strike: "must be"

Insert: "are not"

7. Page 5, line 3.

Following: line 2

Strike: "THE MANNER PROVIDED FOR IN DEPARTMENT REGULATIONS IN"

8. Page 5, line 15.

Following: "home"

Insert: ",as defined in 53-4-501,"

9. Page 5, line 23.

Following: "home"

Insert: ",as defined in 53-4-501,"

10. Page 13, line 3.

Following: "home"

Insert: ",as defined in 53-4-501,"

11. Page 15, line 23.  
Following: "certificate"  
Insert: "as required by this part"

12. Page 17, line 23 through page 18, line 5.  
Strike: Section 18 in its entirety  
Renumber: Subsequent subsection

March 26, 1981

SENATE STANDING COMMITTEE REPORT  
(Public Health, Welfare & Safety)

That the Statement of Intent be amended as follows on House Bill No. 646:

1. Page 1, line 13.  
Following: "for"  
Strike: "6 or fewer"  
Insert: "three to six"

2. Page 1, line 14.  
Following: "children"  
Insert: "from seperate families"

FREE CONFERENCE COMMITTEE  
ON HOUSE BILL NO. 646

(Report No. 1, April 14, 1981)

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 646, met April 14, 1981, and considered:

Senate Public Health, Welfare, and Safety Committee Amendments to the third reading copy, dated March 26, 1981, and recommend as follows:

That the House accede to Committee amendment nos. 1 and 12 and amendment nos. 1 and 2 to the Statement of Intent;

That the Senate recede from Committee amendment nos. 2 through 11;

That House Bill No. 646 be further amended as specified in CLERICAL INSTRUCTION nos. 7 through 28;

That the reference copy of House Bill No. 646 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Conference Committee Report on House Bill No. 646 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 3, lines 13 and 14.

Following: "basis"

Strike: the remainder of lines 13 and 14.

2. Page 3, lines 17 and 18.

Following: "basis"

Strike: the remainder of lines 17 and 18.

3. Page 5, line 6.

Following: "be"

Strike: "ARE NOT"

Insert: "must be"

4. Page 5, line 8.

Following: "IN"

Insert: "the manner provided for in department regulations in"

(continued)

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5. Page 13, lines 8 and 9.  
Following: "family day-care home"  
Strike: ", AS DEFINED IN 53-4-501,"

6. Page 16, line 3.  
Following: "certificate"  
Strike: "AS REQUIRED BY THIS PART,"

7. Statement of Intent  
Page 1, line 19.  
Following: "homes"  
Insert: "and group day-care homes"

8. Statement of Intent  
Page 2, line 9.  
Following: "homes"  
Insert: "and group day-care homes"

9. Statement of Intent  
Page 2, line 14.  
Following: "(2)"  
Strike: "Group day-care homes and"  
Insert: "Day-care"

10. Title, line 10.  
Following: "HOMES"  
Insert: "AND GROUP DAY-CARE HOMES"

11. Page 3, line 20.  
Following: "homes"  
Insert: "and group day-care homes"

12. Page 3, line 22.  
Following: "home"  
Insert: "or a group day-care home"

13. Page 4, line 7.  
Following: "homes"  
Insert: "and group day-care homes"

14. Page 4, line 11.  
Following: "centers"  
Strike: "and group day care homes"

(continued)

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- 15. Page 4, line 21.  
 Following: "center"  
 Strike: "or group day-care home, AS DEFINED IN 53-4-501,"
  
- 16. Page 4, line 25 and line 1, page 5.  
 Following: "home"  
 Strike: ", AS DEFINED IN 53-4-501,"  
 Insert: "group day-care home"
  
- 17. Page 5, line 1.  
 Following: "day-care"  
 Insert: "or group day-care"
  
- 18. Page 5, lines 19 and 20.  
 Following: "center"  
 Strike: "or group day-care home, AS DEFINED IN 53-4-501,"
  
- 19. Page 6, lines 3 and 4.  
 Following: "home"  
 Strike: ", AS DEFINED IN 53-4-501,"  
 Insert: "or group day-care home"
  
- 20. Page 7, line 11.  
 Following: "centers"  
 Strike: "and group day-care homes"
  
- 21. Page 7, lines 15 and 16.  
 Following: "center"  
 Strike: "or group day-care home"
  
- 22. Page 8, line 9.  
 Following: "centers"  
 Strike: "and group day-care homes"
  
- 23. Page 8, line 14.  
 Following: "center"  
 Strike: "and GROUP home"
  
- 24. Page 8, line 21.  
 Following: "center"  
 Strike: "and GROUP home"
  
- 25. Page 8, line 24.  
 Following: "center"  
 Strike: "or group day-care home"

(continued)

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26. Page 10, line 13.  
Following: "centers"  
Strike: "and group day-care homes"
27. Page 12, line 7.  
Following: "~~shall~~"  
Strike: "facility"  
Insert: "center"
28. Page 13, lines 3 and 4.  
Following: "centers"  
Strike: "and group day-care homes"
29. Page 13, line 12.  
Following: "homes"  
Insert: "and group day-care homes"
30. Page 18.  
Following: line 10.  
Insert: "New Section. Section 18. Penalty.  
A person, group of persons or corporation who establishes or maintains a day-care center or assists in conducting or maintaining a day-care center without first obtaining a license from the department as provided for in this part is guilty of a misdemeanor and upon conviction is punishable by a fine not to exceed \$500."  
ReNUMBER: subsequent section
31. Page 18, line 11.  
Strike: "SECTION"  
Insert: "Sections"
32. Page 18, line 12.  
Following: "~~and 18~~"  
Insert: "and 18"
33. Page 18, line 14.  
Following: "~~sections~~"  
Strike: "SECTION"  
Insert: "Sections"  
Following: "~~and 18~~"  
Insert: "and 18"

(continued)

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FOR THE HOUSE:

Daniel A. O'Hara  
O'Hara, Chairman

Andreason

Dussault  
Dussault

FOR THE SENATE:

Hager  
Hager, Chairman

Harry K. Berg  
Berg

Hull Dover  
Dover