

HOUSE BILL 135

Introduced by Cobb

1/11	Introduced
1/11	Referred to Human Services & Aging
1/11	First Reading
1/11	Fiscal Note Requested
1/13	Hearing
1/15	Fiscal Note Received
1/15	Fiscal Note Printed
2/17	Tabled in Committee

1 House BILL NO. 135
2 INTRODUCED BY Cobb
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING CHILD CARE
5 PLANNING, COORDINATION, AND PAYMENT FUNCTIONS FROM THE
6 DEPARTMENT OF FAMILY SERVICES TO THE DEPARTMENT OF SOCIAL
7 AND REHABILITATION SERVICES; AMENDING SECTIONS 52-2-702,
8 52-2-704, 52-2-713, AND 53-2-201, MCA; AND PROVIDING AN
9 EFFECTIVE DATE."

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

12 **Section 1.** Section 52-2-702, MCA, is amended to read:

13 "52-2-702. Purpose -- findings. (1) The purpose of this
14 part is to assure that children requiring day care be
15 provided such food, shelter, security and safety, guidance
16 and direction, nurture and comfort, and learning experiences
17 commensurate to their ages and capabilities so as to
18 safeguard the growth and development of such children,
19 thereby facilitating their proper physical and emotional
20 maturation.

21 (2) (a) The legislature finds that the number of
22 children living in homes where both parents work or in homes
23 with a single parent who works has increased dramatically
24 over the last decade.

25 (b) The legislature finds that the availability of

1 quality child care is critical to the self-sufficiency and
2 independence of Montana families, including the growing
3 number of mothers who have young children and who work out
4 of economic necessity.

5 (c) The legislature further finds that the number of
6 quality child-care arrangements falls far short of the
7 number required for children in need of child-care services.

8 (d) It is the intent of the legislature that the state,
9 within the limits of appropriated funds, promote day care
10 for the purposes of:

11 (i) improving the quality of, and coordination among,
12 child-care programs and providing additional resources for
13 child-care services;

14 (ii) promoting the availability and diversity of quality
15 child-care services for all children and families that need
16 such services;

17 (iii) providing assistance to families whose financial
18 resources are not sufficient to enable them to pay the full
19 costs of necessary child-care services;

20 (iv) ensuring that parents are not forced by lack of
21 available programs or financial resources to place a child
22 in an unsafe or unhealthy child-care facility; and

23 (v) assisting people in finding and maintaining
24 employment by lessening the stress related to the lack of
25 adequate child care."

Section 2. Section 52-2-704, MCA, is amended to read:

"52-2-704. Lead agency -- duties of department. (1) The department is designated as the lead agency for the purposes of ~~planning, implementing, and coordinating programs under the Montana Child Care Act~~ issuing licenses and establishing minimum standards for the providers of child day-care services.

(2) The department shall:

(a) ~~assess child-care needs and resources within the state;~~

~~(b) develop a state child-care plan after consultation with the local youth services advisory councils established under 52-1-203 and the child-care advisory council established in 52-2-705;~~

~~(c) coordinate child-care programs administered by the department and the departments of social and rehabilitation services, health and environmental sciences, and labor and industry;~~

(d) issue licenses to persons to receive children into a day-care center on a regular basis;

(e)(b) prescribe the conditions and publish minimum standards upon which licenses and registration certificates are issued;

(f)(c) adopt rules for day-care facilities consistent with the purposes of this part; and

(g)(d) issue registration certificates to a person or persons to receive children into a family day-care home or group day-care home on a regular basis.

~~(3) The department may:~~

~~(a) enter into interagency agreements to administer and coordinate child-care programs;~~

~~(b) accept any federal funds made available for the improvement or promotion of child-care services within the state;~~

~~(c) administer any state and federal funds that may be appropriated for the purposes of the part."~~

Section 3. Section 52-2-713, MCA, is amended to read:

"52-2-713. Payments for eligible children. The department of social and rehabilitation services shall pay a daily rate established by the department and appropriated by the legislature to a day-care facility, ~~licensed or registered by the department~~ as defined in 52-2-703, for each child receiving day-care service and certified eligible by the department of family services to receive day-care services."

Section 4. Section 53-2-201, MCA, is amended to read:

"53-2-201. Powers and duties of department. (1) The department shall:

(a) administer or supervise public assistance, including the provision of medical care payments in behalf

1 of recipients of public assistance;

2 (b) give consultant service to private institutions
3 providing care for the needy, indigent, handicapped, or
4 dependent adults;

5 (c) cooperate with other state agencies and develop
6 provisions for services to the blind, including the
7 prevention of blindness, the location of blind persons,
8 medical services for eye conditions, and vocational guidance
9 and training of the blind;

10 (d) provide services in respect to organization and
11 supervise county departments of public welfare and county
12 boards of public welfare in the administration of public
13 assistance functions and for efficiency and economy;

14 (e) assist and cooperate with other state and federal
15 departments, bureaus, agencies, and institutions, when so
16 requested, by performing services in conformity with public
17 assistance purposes;

18 (f) administer all state and federal funds allocated to
19 the department for public assistance and do all things
20 necessary, in conformity with federal and state law, for the
21 proper fulfillment of public assistance purposes; and

22 (g) plan, coordinate, and provide information regarding
23 child day-care services; and

24 ~~(g)~~(h) make rules governing payment for services and
25 supplies provided to recipients of public assistance.

1 (2) The department may:

2 (a) purchase, exchange, condemn, or receive by gift
3 either real or personal property which is necessary to carry
4 out its public assistance functions. Title to property
5 obtained under this subsection shall be taken in the name of
6 the state of Montana for the use and benefit of the
7 department.

8 (b) contract with the federal government to carry out
9 its public assistance functions. The department may do all
10 things necessary in order to avail itself of federal aid and
11 assistance.

12 (c) make rules, consistent with state and federal law,
13 establishing the amount, scope, and duration of services to
14 be provided to recipients of public assistance."

15 NEW SECTION. Section 5. Lead agency -- duties of
16 department. (1) The department of social and rehabilitation
17 services is designated as the lead agency for the purposes
18 of planning, implementing, and coordinating programs under
19 the Montana Child Care Act.

20 (2) The department shall:

21 (a) assess child-care needs and resources within the
22 state;

23 (b) develop a state child-care plan after consultation
24 with the local youth services advisory councils established
25 under 52-1-203 and the child-care advisory council

1 established in 52-2-705; and

2 (c) coordinate child-care programs administered by the
3 department and the departments of family services, health
4 and environmental sciences, and labor and industry.

5 (3) The department may:

6 (a) enter into interagency agreements to administer and
7 coordinate child-care programs;

8 (b) accept any federal funds made available for the
9 improvement or promotion of child-care services within the
10 state;

11 (c) administer any state and federal funds that may be
12 appropriated for the purposes of this part.

13 **NEW SECTION. Section 6. Codification instruction --**
14 **code commissioner instruction.** (1) [Section 5] is intended
15 to be codified as an integral part of Title 53, chapter 4,
16 and the provisions of Title 53, chapter 4, apply to [section
17 5].

18 (2) The code commissioner shall renumber 52-2-701,
19 52-2-702, 52-2-705, 52-2-711, and 52-2-713 as a separate
20 part in Title 53, chapter 4, and shall codify [section 5] in
21 that part.

22 **NEW SECTION. Section 7. Effective date.** [This act] is
23 effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

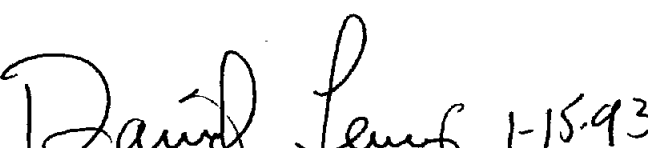
In compliance with a written request, there is hereby submitted a Fiscal Note for HB0135, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: This bill would transfer most child care planning, coordination and payment functions from the Department of Family Services (DFS) to the Department of Social and Rehabilitation Services (SRS).

ASSUMPTIONS:

1. All day care activities except child protective services day care will be transferred from DFS to SRS.
2. The separate day care licensing function will remain at DFS.
3. This transfer will be done through the general appropriations act.
4. The recommended transfer is included in a DFS budget modification for consideration by the Human Services Appropriations Subcommittee.
5. There is no increase or decrease in revenues or expenditures.

FISCAL IMPACT: No fiscal impact.


DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

JOHN COBB, PRIMARY SPONSOR DATE

Fiscal Note for HB0135, as introduced

HB 135