

1 HOUSE BILL NO. 66

2 INTRODUCED BY COCCHIARELLA

3 BY REQUEST OF THE JOINT OVERSIGHT COMMITTEE ON CHILDREN AND FAMILIES

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A CHILD-CARE RESOURCE AND REFERRAL AND
6 CHILD-CARE IMPROVEMENT GRANT ACCOUNT; DEFINING "PROFESSIONAL TRAINING", "SCHOOL AGE",
7 AND "SCHOOL-AGE CARE"; SPECIFYING PRIORITIES; AMENDING SECTIONS 52-2-703 AND 52-2-711,
8 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9
10 WHEREAS, the "traditional" American family with the father working and the mother at home to
11 care for the children now constitutes only 25% of all American families; and

12 WHEREAS, an estimated 40,000 of 70,000 Montana children under 6 years of age need child care,
13 while only about 25,000 licensed or registered child-care slots are available; and

14 WHEREAS, a shortage of before- and after-school programs for school-age children places children
15 at risk for delinquency; and

16 WHEREAS, the availability of day care is critical to the success of welfare-to-work programs; and

17 WHEREAS, high-quality care is essential to the healthy development of Montana's children, and
18 professional training for child-care providers is the single most effective way to ensure quality care; and

19 WHEREAS, funding limitations prevent many child-care providers from starting day-care or
20 school-age care businesses and from obtaining professional training.

21
22 STATEMENT OF INTENT

23 A statement of intent is required for this bill because 52-2-711, as amended, directs the department
24 of public health and human services to adopt rules to administer the grant program. It is the intent of the
25 legislature that grant awards be consistent with the legislative priorities set forth in this bill and that
26 additional grants be consistent with the state child-care plan as developed by the child-care advisory
27 council. The department is encouraged to also adopt rules that will formally provide for an advisory task
28 force as previously used to advise the department on grant awards.

29
30 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

3 (1) "Child" means a person under 13 years of age.

4 (2) "Day care" or "child care" means care for children provided by an adult, other than a parent
5 of the children or other person living with the children as a parent, on a regular basis for daily periods of
6 less than 24 hours, whether that care is for daytime or nighttime hours.

7 (3) "Day-care center" means an out-of-home place in which day care is provided to 13 or more
8 children on a regular basis.

9 (4) "Day-care facility" means a person, association, or place, incorporated or unincorporated, that
10 provides day care on a regular basis or a place licensed or registered to provide day care on an irregular
11 basis for children suffering from illness. It includes a family day-care home, a day-care center, a group
12 day-care home, or a facility providing care in a child's home for the purpose of meeting registration
13 requirements for the receipt of payments as provided in 52-2-713. The term does not include:

14 (a) a person who limits care to children who are related to the person by blood or marriage or under
15 the person's legal guardianship, unless registration or licensure as a day-care facility is required to receive
16 payments as provided in 52-2-713; or

17 (b) any group facility established chiefly for educational purposes that limits its services to children
18 who are 3 years of age or older.

19 (5) "Department" means the department of public health and human services provided for in
20 2-15-2201.

21 (6) "Family day-care home" means a private residence in which day care is provided to three to
22 six children on a regular basis.

23 (7) "Group day-care home" means a private residence or other structure in which day care is
24 provided to 7 to 12 children on a regular basis.

25 (8) "License" means a written document issued by the department that the license holder has
26 complied with this part and the applicable standards and rules for day-care centers.

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

29 (10) "Professional training" means training for early childhood or school-age care providers that
30 is recognized as professional development by a national education or certification organization or by a

1 higher education institution.

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

4 ~~(11)~~(12) "Registration" means the process whereby the department maintains a record of all family
5 day-care homes and group day-care homes, prescribes standards, promulgates rules, and requires the
6 operator of a family day-care home or a group day-care home to certify compliance with the prescribed
7 standards and promulgated rules.

8 ~~(12)~~(13) "Registration certificate" means a written instrument issued by the department to publicly
9 document that the certificate holder has, in writing, certified to the department compliance with this part
10 and the applicable standards for family day-care homes and group day-care homes.

11 ~~(13)~~(14) "Regular basis" means providing day care to children of separate families for any daily
12 periods of less than 24 hours and within 3 or more consecutive weeks.

13 ~~(14)~~(15) (a) "Related by blood or marriage" means the status of a child who is the son, daughter,
14 brother, sister, first cousin, nephew, niece, or grandchild of a person providing child care.

15 (b) The term includes the status of a child described in subsection ~~(14)(a)~~ (15)(a) in a step or
16 adoptive relationship.

17 (16) "School age" means a person who is at least 5 years of age and who is younger than 13 years
18 of age.

19 (17) "School-age care" means an adult-supervised program that is provided for school-age children
20 during nonschool hours."

21

22 Section 2. Section 52-2-711, MCA, is amended to read:

23 "52-2-711. Resource and referral and day-care improvement grant programs program and account.

24 (1) (a) There is a grant program and account established within the department for the allocation of grant
25 money to local child-care resource and referral programs and for improving the availability of quality child
26 care and school-age day care.

27 (b) Money in the account may include money from the following sources:

28 (i) funds specifically appropriated by the legislature for use under this section;

29 (ii) private gifts, grants, and donations;

30 (iii) federal or foundation grants awarded to the state for the purposes of this section; and

1 (iv) any other money made available for the purposes of this section.

2 (2) (a) The department may award grants to private, nonprofit organizations and public organizations
3 that demonstrate the ability to provide child-care resource and referral services.

4 ~~(3)(b)~~ To be eligible for a grant from the department as a resource and referral agency for a local
5 area, an organization:

6 ~~(a)(i)~~ shall maintain a data base of child-care services in the community, including day-care facilities
7 and preschools, ~~that~~ which the organization continually updates;

8 ~~(b)(ii)~~ shall include on the staff of the organization at least one individual who has expertise in child
9 development;

10 ~~(c)(iii)~~ shall must have the capability to provide resource and referral services in the local area;

11 ~~(d)(iv)~~ must be able to respond to requests for information or assistance in a timely fashion;

12 ~~(e)(v)~~ must be committed to providing services to all segments of the general public;

13 ~~(f)(vi)~~ must be able to provide parents with a checklist to identify quality child-care services;

14 ~~(g)(vii)~~ must be able to provide information on the availability of child-care subsidies;

15 ~~(h)(viii)~~ shall maintain and make available to the public a the number of all referrals made by the
16 resource and referral agency; and

17 ~~(i)(ix)~~ shall otherwise satisfy regulations promulgated by the department pursuant to this part.

18 (3) (a) The department may award grants for improving the availability of quality child care and
19 school-age day care.

20 (b) The following grant applications must be given priority:

21 (i) grant applications for professional training for day-care or school-age care providers; and

22 (ii) grant applications for the startup of school-age care programs or facilities.

23 (4) The department shall adopt rules to administer the provisions of this section."

24
25 NEW SECTION. Section 3. Saving clause. [This act] does not affect rights and duties that
26 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
27 act].

28
29 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

30 -END-

1 HOUSE BILL NO. 66

2 INTRODUCED BY COCCHIARELLA

3 BY REQUEST OF THE JOINT OVERSIGHT COMMITTEE ON CHILDREN AND FAMILIES

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A CHILD-CARE RESOURCE AND REFERRAL AND
6 CHILD-CARE IMPROVEMENT GRANT ~~ACCOUNT~~ PROGRAM; DEFINING "PROFESSIONAL TRAINING",
7 "SCHOOL AGE", AND "SCHOOL-AGE CARE"; SPECIFYING PRIORITIES; AMENDING SECTIONS 52-2-703
8 AND 52-2-711, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9
10 WHEREAS, the "traditional" American family with the father working and the mother at home to
11 care for the children now constitutes only 25% of all American families; and

12 WHEREAS, an estimated 40,000 of 70,000 Montana children under 6 years of age need child care,
13 while only about 25,000 licensed or registered child-care slots are available; and

14 WHEREAS, a shortage of before- and after-school programs for school-age children places children
15 at risk for delinquency AND TEEN PREGNANCY; and

16 WHEREAS, the availability of day care is critical to the success of welfare-to-work programs; and

17 WHEREAS, high-quality care is essential to the healthy development of Montana's children, and
18 professional training for child-care providers is the single most effective way to ensure quality care; and

19 WHEREAS, funding limitations prevent many child-care providers from starting day-care or
20 school-age care businesses and from obtaining professional training.

21
22 STATEMENT OF INTENT

23 A statement of intent is required for this bill because 52-2-711, as amended, directs the department
24 of public health and human services to adopt rules to administer the grant program. It is the intent of the
25 legislature that grant awards be consistent with the legislative priorities set forth in this bill and that
26 additional grants be consistent with the state child-care plan as developed by the child-care advisory
27 council. The department is encouraged to also adopt rules that will formally provide for an advisory task
28 force as previously used to advise the department on grant awards.

29
30 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

3 (1) "Child" means a person under 13 years of age OR A PERSON WITH SPECIAL NEEDS, AS
4 DEFINED BY THE DEPARTMENT, WHO IS UNDER 18 YEARS OF AGE OR IS 18 YEARS OF AGE AND A
5 FULL-TIME STUDENT EXPECTED TO COMPLETE AN EDUCATIONAL PROGRAM BY 19 YEARS OF AGE.

6 (2) "Day care" or "child care" means care for children provided by an adult, other than a parent
7 of the children or other person living with the children as a parent, on a regular basis for daily periods of
8 less than 24 hours, whether that care is for daytime or nighttime hours.

9 (3) "Day-care center" means an out-of-home place in which day care is provided to 13 or more
10 children on a regular basis.

11 (4) "Day-care facility" means a person, association, or place, incorporated or unincorporated, that
12 provides day care on a regular basis or a place licensed or registered to provide day care on an irregular
13 basis for children suffering from illness. It includes a family day-care home, a day-care center, a group
14 day-care home, or a facility providing care in a child's home for the purpose of meeting registration
15 requirements for the receipt of payments as provided in 52-2-713. The term does not include:

16 (a) a person who limits care to children who are related to the person by blood or marriage or under
17 the person's legal guardianship, unless registration or licensure as a day-care facility is required to receive
18 payments as provided in 52-2-713; or

19 (b) any group facility established chiefly for educational purposes that limits its services to children
20 who are 3 years of age or older.

21 (5) "Department" means the department of public health and human services provided for in
22 2-15-2201.

23 (6) "Family day-care home" means a private residence in which day care is provided to three to
24 six children on a regular basis.

25 (7) "Group day-care home" means a private residence or other structure in which day care is
26 provided to 7 to 12 children on a regular basis.

27 (8) "License" means a written document issued by the department that the license holder has
28 complied with this part and the applicable standards and rules for day-care centers.

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

1 (10) "Professional training" means training for early childhood or school-age care providers that
 2 is recognized as professional development by a national education or certification organization or by a
 3 higher education institution.

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

6 ~~(11)~~(12) "Registration" means the process whereby the department maintains a record of all family
 7 day-care homes and group day-care homes, prescribes standards, promulgates rules, and requires the
 8 operator of a family day-care home or a group day-care home to certify compliance with the prescribed
 9 standards and promulgated rules.

10 ~~(12)~~(13) "Registration certificate" means a written instrument issued by the department to publicly
 11 document that the certificate holder has, in writing, certified to the department compliance with this part
 12 and the applicable standards for family day-care homes and group day-care homes.

13 ~~(13)~~(14) "Regular basis" means providing day care to children of separate families for any daily
 14 periods of less than 24 hours and within 3 or more consecutive weeks.

15 ~~(14)~~(15) (a) "Related by blood or marriage" means the status of a child who is the son, daughter,
 16 brother, sister, first cousin, nephew, niece, or grandchild of a person providing child care.

17 (b) The term includes the status of a child described in subsection ~~(14)(a)~~ (15)(a) in a step or
 18 adoptive relationship.

19 (16) "School age" means a person who is at least 5 years of age and who is younger than 13 years
 20 of age OR A PERSON WITH SPECIAL NEEDS, AS DEFINED BY THE DEPARTMENT, WHO IS UNDER 18
 21 YEARS OF AGE OR IS 18 YEARS OF AGE AND A FULL-TIME STUDENT EXPECTED TO COMPLETE AN
 22 EDUCATIONAL PROGRAM BY 19 YEARS OF AGE.

23 (17) "School-age care" means an adult-supervised program that is provided for school-age children
 24 during nonschool hours."

25
 26 **Section 2.** Section 52-2-711, MCA, is amended to read:

27 **"52-2-711. Resource and referral ~~and day-care improvement grant programs program and account.~~**

28 (1) (a) There is a grant program ~~and account~~ established within the department for the allocation of grant
 29 money to local child-care resource and referral programs and for improving the availability of quality child
 30 care and school-age day care.

1 (b) Money in the account PROGRAM FUNDS may include money from the following sources:

2 (i) funds specifically appropriated by the legislature for use under this section;

3 (ii) private gifts, grants, and donations;

4 (iii) federal or foundation grants awarded to the state for the purposes of this section; and

5 (iv) any other money made available for the purposes of this section.

6 (2) (a) The department may award grants to private, nonprofit organizations and public organizations
7 that demonstrate the ability to provide child-care resource and referral services.

8 ~~(3)(b)~~ To be eligible for a grant from the department as a resource and referral agency for a local
9 area, an organization:

10 ~~(a)(i)~~ shall maintain a data base of child-care services in the community, including day-care facilities
11 and preschools, ~~that~~ which the organization continually updates;

12 ~~(b)(ii)~~ shall include on the staff of the organization at least one individual who has expertise in child
13 development;

14 ~~(c)(iii)~~ shall must have the capability to provide resource and referral services in the local area;

15 ~~(d)(iv)~~ must be able to respond to requests for information or assistance in a timely fashion;

16 ~~(e)(v)~~ must be committed to providing services to all segments of the general public;

17 ~~(f)(vi)~~ must be able to provide parents with a checklist to identify quality child-care services;

18 ~~(g)(vii)~~ must be able to provide information on the availability of child-care subsidies;

19 ~~(h)(viii)~~ shall maintain and make available to the public a the number of all referrals made by the
20 resource and referral agency; and

21 ~~(i)(ix)~~ shall otherwise satisfy regulations promulgated by the department pursuant to this part.

22 (3) (a) The department may award grants for improving the availability of quality child care and
23 school-age day care AND FOR CONSUMER EDUCATION.

24 (b) The following grant applications must be given priority:

25 (i) grant applications for professional training for day-care or school-age care providers; and

26 (ii) grant applications for the startup of school-age care programs or facilities WHEN A COMMUNITY
27 NEED HAS BEEN DEMONSTRATED;

28 (III) GRANT APPLICATIONS FOR CONSUMER EDUCATION; AND

29 (IV) GRANT APPLICATIONS FOR PRESERVATION OF EXISTING CARE PROGRAMS THAT FILL A
30 DEMONSTRATED NEED BUT HAVE A HIGH PROBABILITY OF CLOSURE.

1 (4) The department shall adopt rules to administer the provisions of this section."

2

3 NEW SECTION. Section 3. Saving clause. [This act] does not affect rights and duties that
4 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
5 act].

6

7 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

8

-END-

1 HOUSE BILL NO. 66

2 INTRODUCED BY COCCHIARELLA

3 BY REQUEST OF THE JOINT OVERSIGHT COMMITTEE ON CHILDREN AND FAMILIES

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A CHILD-CARE RESOURCE AND REFERRAL AND
6 CHILD-CARE IMPROVEMENT GRANT ~~ACCOUNT~~ PROGRAM; DEFINING "PROFESSIONAL TRAINING",
7 "SCHOOL AGE", AND "SCHOOL-AGE CARE"; SPECIFYING PRIORITIES; AMENDING SECTIONS 52-2-703
8 AND 52-2-711, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9
10 WHEREAS, the "traditional" American family with the father working and the mother at home to
11 care for the children now constitutes only 25% of all American families; and

12 WHEREAS, an estimated 40,000 of 70,000 Montana children under 6 years of age need child care,
13 while only about 25,000 licensed or registered child-care slots are available; and

14 WHEREAS, a shortage of before- and after-school programs for school-age children places children
15 at risk for delinquency AND TEEN PREGNANCY; and

16 WHEREAS, the availability of day care is critical to the success of welfare-to-work programs; and

17 WHEREAS, high-quality care is essential to the healthy development of Montana's children, and
18 professional training for child-care providers is the single most effective way to ensure quality care; and

19 WHEREAS, funding limitations prevent many child-care providers from starting day-care or
20 school-age care businesses and from obtaining professional training.

**THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE
REPRINTED. PLEASE REFER TO SECOND READING COPY
(YELLOW) FOR COMPLETE TEXT.**

1 HOUSE BILL NO. 66

2 INTRODUCED BY COCCHIARELLA

3 BY REQUEST OF THE JOINT OVERSIGHT COMMITTEE ON CHILDREN AND FAMILIES

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A CHILD-CARE RESOURCE AND REFERRAL AND
6 CHILD-CARE IMPROVEMENT GRANT ~~ACCOUNT~~ PROGRAM; DEFINING "PROFESSIONAL TRAINING",
7 "SCHOOL AGE", AND "SCHOOL-AGE CARE"; SPECIFYING PRIORITIES; AMENDING SECTIONS 52-2-703
8 AND 52-2-711, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9
10 WHEREAS, the "traditional" American family with the father working and the mother at home to
11 care for the children now constitutes only 25% of all American families; and

12 WHEREAS, an estimated 40,000 of 70,000 Montana children under 6 years of age need child care,
13 while only about 25,000 licensed or registered child-care slots are available; and

14 WHEREAS, a shortage of before- and after-school programs for school-age children places children
15 at risk for delinquency AND TEEN PREGNANCY; and

16 WHEREAS, the availability of day care is critical to the success of welfare-to-work programs; and

17 WHEREAS, high-quality care is essential to the healthy development of Montana's children, and
18 professional training for child-care providers is the single most effective way to ensure quality care; and

19 WHEREAS, funding limitations prevent many child-care providers from starting day-care or
20 school-age care businesses and from obtaining professional training.

21
22 STATEMENT OF INTENT

23 A statement of intent is required for this bill because 52-2-711, as amended, directs the department
24 of public health and human services to adopt rules to administer the grant program. It is the intent of the
25 legislature that grant awards be consistent with the legislative priorities set forth in this bill and that
26 additional grants be consistent with the state child-care plan as developed by the child-care advisory
27 council. The department is encouraged to also adopt rules that will formally provide for an advisory task
28 force as previously used to advise the department on grant awards.

29
30 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

3 (1) "Child" means a person under 13 years of age OR A PERSON WITH SPECIAL NEEDS, AS
4 DEFINED BY THE DEPARTMENT, WHO IS UNDER 18 YEARS OF AGE OR IS 18 YEARS OF AGE AND A
5 FULL-TIME STUDENT EXPECTED TO COMPLETE AN EDUCATIONAL PROGRAM BY 19 YEARS OF AGE.

6 (2) "Day care" or "child care" means care for children provided by an adult, other than a parent
7 of the children or other person living with the children as a parent, on a regular basis for daily periods of
8 less than 24 hours, whether that care is for daytime or nighttime hours.

9 (3) "Day-care center" means an out-of-home place in which day care is provided to 13 or more
10 children on a regular basis.

11 (4) "Day-care facility" means a person, association, or place, incorporated or unincorporated, that
12 provides day care on a regular basis or a place licensed or registered to provide day care on an irregular
13 basis for children suffering from illness. It includes a family day-care home, a day-care center, a group
14 day-care home, or a facility providing care in a child's home for the purpose of meeting registration
15 requirements for the receipt of payments as provided in 52-2-713. The term does not include:

16 (a) a person who limits care to children who are related to the person by blood or marriage or under
17 the person's legal guardianship, unless registration or licensure as a day-care facility is required to receive
18 payments as provided in 52-2-713; or

19 (b) any group facility established chiefly for educational purposes that limits its services to children
20 who are 3 years of age or older.

21 (5) "Department" means the department of public health and human services provided for in
22 2-15-2201.

23 (6) "Family day-care home" means a private residence in which day care is provided to three to
24 six children on a regular basis.

25 (7) "Group day-care home" means a private residence or other structure in which day care is
26 provided to 7 to 12 children on a regular basis.

27 (8) "License" means a written document issued by the department that the license holder has
28 complied with this part and the applicable standards and rules for day-care centers.

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

1 (10) "Professional training" means training for early childhood or school-age care providers that
 2 is recognized as professional development by a national education or certification organization or by a
 3 higher education institution.

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

6 ~~(11)~~(12) "Registration" means the process whereby the department maintains a record of all family
 7 day-care homes and group day-care homes, prescribes standards, promulgates rules, and requires the
 8 operator of a family day-care home or a group day-care home to certify compliance with the prescribed
 9 standards and promulgated rules.

10 ~~(12)~~(13) "Registration certificate" means a written instrument issued by the department to publicly
 11 document that the certificate holder has, in writing, certified to the department compliance with this part
 12 and the applicable standards for family day-care homes and group day-care homes.

13 ~~(13)~~(14) "Regular basis" means providing day care to children of separate families for any daily
 14 periods of less than 24 hours and within 3 or more consecutive weeks.

15 ~~(14)~~(15) (a) "Related by blood or marriage" means the status of a child who is the son, daughter,
 16 brother, sister, first cousin, nephew, niece, or grandchild of a person providing child care.

17 (b) The term includes the status of a child described in subsection ~~(14)(a)~~ (15)(a) in a step or
 18 adoptive relationship.

19 (16) "School age" means a person who is at least 5 years of age and who is younger than 13 years
 20 of age OR A PERSON WITH SPECIAL NEEDS, AS DEFINED BY THE DEPARTMENT, WHO IS UNDER 18
 21 YEARS OF AGE OR IS 18 YEARS OF AGE AND A FULL-TIME STUDENT EXPECTED TO COMPLETE AN
 22 EDUCATIONAL PROGRAM BY 19 YEARS OF AGE.

23 (17) "School-age care" means an adult-supervised program that is provided for school-age children
 24 during nonschool hours."

25
 26 **Section 2.** Section 52-2-711, MCA, is amended to read:

27 **"52-2-711. Resource and referral and day-care improvement grant ~~programs program and account.~~**

28 (1) (a) There is a grant program ~~and account~~ established within the department for the allocation of grant
 29 money to local child-care resource and referral programs and for improving the availability of quality child
 30 care and school-age day care.

1 (b) Money in the account PROGRAM FUNDS may include money from the following sources:

2 (i) funds specifically appropriated by the legislature for use under this section;

3 (ii) private gifts, grants, and donations;

4 (iii) federal or foundation grants awarded to the state for the purposes of this section; and

5 (iv) any other money made available for the purposes of this section.

6 (2) (a) The department may award grants to private, nonprofit organizations and public organizations
7 that demonstrate the ability to provide child-care resource and referral services.

8 ~~(3)~~(b) To be eligible for a grant from the department as a resource and referral agency for a local
9 area, an organization:

10 ~~(a)~~(i) shall maintain a data base of child-care services in the community, including day-care facilities
11 and preschools, ~~that~~ which the organization continually updates;

12 ~~(b)~~(ii) shall include on the staff of the organization at least one individual who has expertise in child
13 development;

14 ~~(c)~~(iii) ~~shall~~ must have the capability to provide resource and referral services in the local area;

15 ~~(d)~~(iv) must be able to respond to requests for information or assistance in a timely fashion;

16 ~~(e)~~(v) must be committed to providing services to all segments of the general public;

17 ~~(f)~~(vi) must be able to provide parents with a checklist to identify quality child-care services;

18 ~~(g)~~(vii) must be able to provide information on the availability of child-care subsidies;

19 ~~(h)~~(viii) shall maintain and make available to the public a the number of all referrals made by the
20 resource and referral agency; and

21 ~~(i)~~(ix) shall otherwise satisfy regulations promulgated by the department pursuant to this part.

22 (3) (a) The department may award grants for improving the availability of quality child care and
23 school-age day care AND FOR CONSUMER EDUCATION.

24 (b) The following grant applications must be given priority:

25 (i) grant applications for professional training for day-care or school-age care providers; and

26 (ii) grant applications for the startup of school-age care programs or facilities WHEN A COMMUNITY
27 NEED HAS BEEN DEMONSTRATED;

28 (III) GRANT APPLICATIONS FOR CONSUMER EDUCATION; AND

29 (IV) GRANT APPLICATIONS FOR PRESERVATION OF EXISTING CARE PROGRAMS THAT FILL A
30 DEMONSTRATED NEED BUT HAVE A HIGH PROBABILITY OF CLOSURE.

1 ~~(4) The department shall adopt rules to administer the provisions of this section."~~

2

3 NEW SECTION. Section 3. Saving clause. [This act] does not affect rights and duties that
4 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
5 act].

6

7 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

8

-END-

1 HOUSE BILL NO. 66

2 INTRODUCED BY COCCHIARELLA

3 BY REQUEST OF THE JOINT OVERSIGHT COMMITTEE ON CHILDREN AND FAMILIES

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A CHILD-CARE RESOURCE AND REFERRAL AND
6 CHILD-CARE IMPROVEMENT GRANT ACCOUNT PROGRAM; DEFINING "PROFESSIONAL TRAINING",
7 "SCHOOL AGE", AND "SCHOOL-AGE CARE"; SPECIFYING PRIORITIES; AMENDING SECTIONS 52-2-703
8 AND 52-2-711, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9
10 WHEREAS, the "traditional" American family with the father working and the mother at home to
11 care for the children now constitutes only 25% of all American families; and

12 WHEREAS, an estimated 40,000 of 70,000 Montana children under 6 years of age need child care,
13 while only about 25,000 licensed or registered child-care slots are available; and

14 WHEREAS, a shortage of before- and after-school programs for school-age children places children
15 at risk for delinquency AND TEEN PREGNANCY; and

16 WHEREAS, the availability of day care is critical to the success of welfare-to-work programs; and

17 WHEREAS, high-quality care is essential to the healthy development of Montana's children, and
18 professional training for child-care providers is the single most effective way to ensure quality care; and

19 WHEREAS, funding limitations prevent many child-care providers from starting day-care or
20 school-age care businesses and from obtaining professional training.

21
22 STATEMENT OF INTENT

23 A statement of intent is required for this bill because 52-2-711, as amended, directs the department
24 of public health and human services to adopt rules to administer the grant program. It is the intent of the
25 legislature that grant awards be consistent with the legislative priorities set forth in this bill and that
26 additional grants be consistent with the state child-care plan as developed by the child-care advisory
27 council. The department is encouraged to also adopt rules that will formally provide for an advisory task
28 force as previously used to advise the department on grant awards.

29
30 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

REFERENCE BILL

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

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

3 (1) "Child" means a person under 13 years of age OR A PERSON WITH SPECIAL NEEDS, AS
4 DEFINED BY THE DEPARTMENT, WHO IS UNDER 18 YEARS OF AGE OR IS 18 YEARS OF AGE AND A
5 FULL-TIME STUDENT EXPECTED TO COMPLETE AN EDUCATIONAL PROGRAM BY 19 YEARS OF AGE.

6 (2) "Day care" or "child care" means care for children provided by an adult, other than a parent
7 of the children or other person living with the children as a parent, on a regular basis for daily periods of
8 less than 24 hours, whether that care is for daytime or nighttime hours.

9 (3) "Day-care center" means an out-of-home place in which day care is provided to 13 or more
10 children on a regular basis.

11 (4) "Day-care facility" means a person, association, or place, incorporated or unincorporated, that
12 provides day care on a regular basis or a place licensed or registered to provide day care on an irregular
13 basis for children suffering from illness. It includes a family day-care home, a day-care center, a group
14 day-care home, or a facility providing care in a child's home for the purpose of meeting registration
15 requirements for the receipt of payments as provided in 52-2-713. The term does not include:

16 (a) a person who limits care to children who are related to the person by blood or marriage or under
17 the person's legal guardianship, unless registration or licensure as a day-care facility is required to receive
18 payments as provided in 52-2-713; or

19 (b) any group facility established chiefly for educational purposes that limits its services to children
20 who are 3 years of age or older.

21 (5) "Department" means the department of public health and human services provided for in
22 2-15-2201.

23 (6) "Family day-care home" means a private residence in which day care is provided to three to
24 six children on a regular basis.

25 (7) "Group day-care home" means a private residence or other structure in which day care is
26 provided to 7 to 12 children on a regular basis.

27 (8) "License" means a written document issued by the department that the license holder has
28 complied with this part and the applicable standards and rules for day-care centers.

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

1 (10) "Professional training" means training for early childhood or school-age care providers that
 2 is recognized as professional development by a national education or certification organization or by a
 3 higher education institution.

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

6 ~~(11)~~(12) "Registration" means the process whereby the department maintains a record of all family
 7 day-care homes and group day-care homes, prescribes standards, promulgates rules, and requires the
 8 operator of a family day-care home or a group day-care home to certify compliance with the prescribed
 9 standards and promulgated rules.

10 ~~(12)~~(13) "Registration certificate" means a written instrument issued by the department to publicly
 11 document that the certificate holder has, in writing, certified to the department compliance with this part
 12 and the applicable standards for family day-care homes and group day-care homes.

13 ~~(13)~~(14) "Regular basis" means providing day care to children of separate families for any daily
 14 periods of less than 24 hours and within 3 or more consecutive weeks.

15 ~~(14)~~(15) (a) "Related by blood or marriage" means the status of a child who is the son, daughter,
 16 brother, sister, first cousin, nephew, niece, or grandchild of a person providing child care.

17 (b) The term includes the status of a child described in subsection ~~(14)(a)~~ (15)(a) in a step or
 18 adoptive relationship.

19 (16) "School age" means a person who is at least 5 years of age and who is younger than 13 years
 20 of age OR A PERSON WITH SPECIAL NEEDS, AS DEFINED BY THE DEPARTMENT, WHO IS UNDER 18
 21 YEARS OF AGE OR IS 18 YEARS OF AGE AND A FULL-TIME STUDENT EXPECTED TO COMPLETE AN
 22 EDUCATIONAL PROGRAM BY 19 YEARS OF AGE.

23 (17) "School-age care" means an adult-supervised program that is provided for school-age children
 24 during nonschool hours."

25
 26 **Section 2.** Section 52-2-711, MCA, is amended to read:

27 **"52-2-711. Resource and referral and day-care improvement grant programs program and account.**

28 (1) (a) There is a grant program ~~and account~~ established within the department for the allocation of grant
 29 money to local child-care resource and referral programs and for improving the availability of quality child
 30 care and school-age day care.

1 (b) Money in the account PROGRAM FUNDS may include money from the following sources:

2 (i) funds specifically appropriated by the legislature for use under this section;

3 (ii) private gifts, grants, and donations;

4 (iii) federal or foundation grants awarded to the state for the purposes of this section; and

5 (iv) any other money made available for the purposes of this section.

6 (2) (a) The department may award grants to private, nonprofit organizations and public organizations
7 that demonstrate the ability to provide child-care resource and referral services.

8 ~~(3)(b)~~ To be eligible for a grant from the department as a resource and referral agency for a local
9 area, an organization:

10 ~~(a)(i)~~ shall maintain a data base of child-care services in the community, including day-care facilities
11 and preschools, ~~that~~ which the organization continually updates;

12 ~~(b)(ii)~~ shall include on the staff of the organization at least one individual who has expertise in child
13 development;

14 ~~(c)(iii)~~ ~~shall~~ must have the capability to provide resource and referral services in the local area;

15 ~~(d)(iv)~~ must be able to respond to requests for information or assistance in a timely fashion;

16 ~~(e)(v)~~ must be committed to providing services to all segments of the general public;

17 ~~(f)(vi)~~ must be able to provide parents with a checklist to identify quality child-care services;

18 ~~(g)(vii)~~ must be able to provide information on the availability of child-care subsidies;

19 ~~(h)(viii)~~ shall maintain and make available to the public a the number of all referrals made by the
20 resource and referral agency; and

21 ~~(i)(ix)~~ shall otherwise satisfy regulations promulgated by the department pursuant to this part.

22 (3) (a) The department may award grants for improving the availability of quality child care and
23 school-age day care AND FOR CONSUMER EDUCATION.

24 (b) The following grant applications must be given priority:

25 (i) grant applications for professional training for day-care or school-age care providers; and

26 (ii) grant applications for the startup of school-age care programs or facilities WHEN A COMMUNITY
27 NEED HAS BEEN DEMONSTRATED;

28 (III) GRANT APPLICATIONS FOR CONSUMER EDUCATION; AND

29 (IV) GRANT APPLICATIONS FOR PRESERVATION OF EXISTING CARE PROGRAMS THAT FILL A
30 DEMONSTRATED NEED BUT HAVE A HIGH PROBABILITY OF CLOSURE.

1 (4) The department shall adopt rules to administer the provisions of this section."

2

3 NEW SECTION. Section 3. Saving clause. [This act] does not affect rights and duties that
4 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
5 act].

6

7 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

8

-END-

OFFICE OF THE GOVERNOR

STATE OF MONTANA



MARC RACICOT
GOVERNOR

STATE CAPITOL
HELENA, MONTANA 59620-0801

March 21, 1997

The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

The Honorable Gary Aklestad
President of the Senate
State Capitol
Helena MT 59620

Dear Speaker Mercer and President Aklestad:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 66, **"A BILL FOR AN ACT ESTABLISHING A CHILD-CARE RESOURCE AND REFERRAL AND CHILD-CARE IMPROVEMENT GRANT PROGRAM; DEFINING "PROFESSIONAL TRAINING", "SCHOOL AGE", AND "SCHOOL-AGE CARE"; SPECIFYING PRIORITIES; AMENDING SECTIONS 52-2-703 AND 52-2-711, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

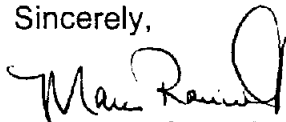
One of the provisions in House Bill 66 authorizes the Department of Public Health and Human Services to award grants for consumer education and for improving the availability of quality child care and school-age day care. The bill sets forth the categories of grant applications that must be given priority by the Department. One of the categories to be given priority is "grant applications for preservation of existing care programs that fill a demonstrated need but have a high probability of closure." The operation of this language could result in rewarding those programs, the closure of which may be due to poor management or other undesirable practices, at the expense of those programs which may be deserving, but not on the verge of closure.

In order to make fairer the process for the awarding of grants, I offer an amendment that

would require prioritization for the preservation or expansion of existing care programs that fill a demonstrated need. The prioritization of grant applications would not require that a program have a high probability of closure.

It is my understanding that Representative Cocchiarella, the bill's sponsor, agrees that these amendments would improve the grant-making process.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Racicot". The signature is fluid and cursive, with a large, stylized initial "M" and "R".

MARC RACICOT

Governor

GOVERNOR'S AMENDMENTS TO
HOUSE BILL NO. 66
(REFERENCE COPY)
March 21, 1997

1. Page 4.

Following: "PRESERVATION"

Insert: "or expansion"

2. Page 4.

Strike: "BUT HAVE A HIGH PROBABILITY OF CLOSURE"

1 HOUSE BILL NO. 66

2 INTRODUCED BY COCCHIARELLA

3 BY REQUEST OF THE JOINT OVERSIGHT COMMITTEE ON CHILDREN AND FAMILIES

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A CHILD-CARE RESOURCE AND REFERRAL AND
6 CHILD-CARE IMPROVEMENT GRANT ~~ACCOUNT~~ PROGRAM; DEFINING "PROFESSIONAL TRAINING",
7 "SCHOOL AGE", AND "SCHOOL-AGE CARE"; SPECIFYING PRIORITIES; AMENDING SECTIONS 52-2-703
8 AND 52-2-711, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9
10 WHEREAS, the "traditional" American family with the father working and the mother at home to
11 care for the children now constitutes only 25% of all American families; and

12 WHEREAS, an estimated 40,000 of 70,000 Montana children under 6 years of age need child care,
13 while only about 25,000 licensed or registered child-care slots are available; and

14 WHEREAS, a shortage of before- and after-school programs for school-age children places children
15 at risk for delinquency AND TEEN PREGNANCY; and

16 WHEREAS, the availability of day care is critical to the success of welfare-to-work programs; and

17 WHEREAS, high-quality care is essential to the healthy development of Montana's children, and
18 professional training for child-care providers is the single most effective way to ensure quality care; and

19 WHEREAS, funding limitations prevent many child-care providers from starting day-care or
20 school-age care businesses and from obtaining professional training.

21
22 STATEMENT OF INTENT

23 A statement of intent is required for this bill because 52-2-711, as amended, directs the department
24 of public health and human services to adopt rules to administer the grant program. It is the intent of the
25 legislature that grant awards be consistent with the legislative priorities set forth in this bill and that
26 additional grants be consistent with the state child-care plan as developed by the child-care advisory
27 council. The department is encouraged to also adopt rules that will formally provide for an advisory task
28 force as previously used to advise the department on grant awards.

29
30 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

3 (1) "Child" means a person under 13 years of age OR A PERSON WITH SPECIAL NEEDS, AS
4 DEFINED BY THE DEPARTMENT, WHO IS UNDER 18 YEARS OF AGE OR IS 18 YEARS OF AGE AND A
5 FULL-TIME STUDENT EXPECTED TO COMPLETE AN EDUCATIONAL PROGRAM BY 19 YEARS OF AGE.

6 (2) "Day care" or "child care" means care for children provided by an adult, other than a parent
7 of the children or other person living with the children as a parent, on a regular basis for daily periods of
8 less than 24 hours, whether that care is for daytime or nighttime hours.

9 (3) "Day-care center" means an out-of-home place in which day care is provided to 13 or more
10 children on a regular basis.

11 (4) "Day-care facility" means a person, association, or place, incorporated or unincorporated, that
12 provides day care on a regular basis or a place licensed or registered to provide day care on an irregular
13 basis for children suffering from illness. It includes a family day-care home, a day-care center, a group
14 day-care home, or a facility providing care in a child's home for the purpose of meeting registration
15 requirements for the receipt of payments as provided in 52-2-713. The term does not include:

16 (a) a person who limits care to children who are related to the person by blood or marriage or under
17 the person's legal guardianship, unless registration or licensure as a day-care facility is required to receive
18 payments as provided in 52-2-713; or

19 (b) any group facility established chiefly for educational purposes that limits its services to children
20 who are 3 years of age or older.

21 (5) "Department" means the department of public health and human services provided for in
22 2-15-2201.

23 (6) "Family day-care home" means a private residence in which day care is provided to three to
24 six children on a regular basis.

25 (7) "Group day-care home" means a private residence or other structure in which day care is
26 provided to 7 to 12 children on a regular basis.

27 (8) "License" means a written document issued by the department that the license holder has
28 complied with this part and the applicable standards and rules for day-care centers.

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

1 (10) "Professional training" means training for early childhood or school-age care providers that
 2 is recognized as professional development by a national education or certification organization or by a
 3 higher education institution.

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

6 ~~(11)~~(12) "Registration" means the process whereby the department maintains a record of all family
 7 day-care homes and group day-care homes, prescribes standards, promulgates rules, and requires the
 8 operator of a family day-care home or a group day-care home to certify compliance with the prescribed
 9 standards and promulgated rules.

10 ~~(12)~~(13) "Registration certificate" means a written instrument issued by the department to publicly
 11 document that the certificate holder has, in writing, certified to the department compliance with this part
 12 and the applicable standards for family day-care homes and group day-care homes.

13 ~~(13)~~(14) "Regular basis" means providing day care to children of separate families for any daily
 14 periods of less than 24 hours and within 3 or more consecutive weeks.

15 ~~(14)~~(15) (a) "Related by blood or marriage" means the status of a child who is the son, daughter,
 16 brother, sister, first cousin, nephew, niece, or grandchild of a person providing child care.

17 (b) The term includes the status of a child described in subsection ~~(14)(a)~~ (15)(a) in a step or
 18 adoptive relationship.

19 (16) "School age" means a person who is at least 5 years of age and who is younger than 13 years
 20 of age OR A PERSON WITH SPECIAL NEEDS, AS DEFINED BY THE DEPARTMENT, WHO IS UNDER 18
 21 YEARS OF AGE OR IS 18 YEARS OF AGE AND A FULL-TIME STUDENT EXPECTED TO COMPLETE AN
 22 EDUCATIONAL PROGRAM BY 19 YEARS OF AGE.

23 (17) "School-age care" means an adult-supervised program that is provided for school-age children
 24 during nonschool hours."

25
 26 **Section 2.** Section 52-2-711, MCA, is amended to read:

27 **"52-2-711. Resource and referral and day-care improvement grant programs program and account.**

28 (1) (a) There is a grant program ~~and account~~ established within the department for the allocation of grant
 29 money to local child-care resource and referral programs and for improving the availability of quality child
 30 care and school-age day care.

1 (b) Money in the account PROGRAM FUNDS may include money from the following sources:

2 (i) funds specifically appropriated by the legislature for use under this section;

3 (ii) private gifts, grants, and donations;

4 (iii) federal or foundation grants awarded to the state for the purposes of this section; and

5 (iv) any other money made available for the purposes of this section.

6 (2) (a) The department may award grants to private, nonprofit organizations and public organizations
7 that demonstrate the ability to provide child-care resource and referral services.

8 ~~(3)(b)~~ To be eligible for a grant from the department as a resource and referral agency for a local
9 area, an organization:

10 ~~(a)(i)~~ shall maintain a data base of child-care services in the community, including day-care facilities
11 and preschools, ~~that~~ which the organization continually updates;

12 ~~(b)(ii)~~ shall include on the staff of the organization at least one individual who has expertise in child
13 development;

14 ~~(c)(iii)~~ ~~shall~~ must have the capability to provide resource and referral services in the local area;

15 ~~(d)(iv)~~ must be able to respond to requests for information or assistance in a timely fashion;

16 ~~(e)(v)~~ must be committed to providing services to all segments of the general public;

17 ~~(f)(vi)~~ must be able to provide parents with a checklist to identify quality child-care services;

18 ~~(g)(vii)~~ must be able to provide information on the availability of child-care subsidies;

19 ~~(h)(viii)~~ shall maintain and make available to the public a the number of all referrals made by the
20 resource and referral agency; and

21 ~~(i)(ix)~~ shall otherwise satisfy regulations promulgated by the department pursuant to this part.

22 (3) (a) The department may award grants for improving the availability of quality child care and
23 school-age day care AND FOR CONSUMER EDUCATION.

24 (b) The following grant applications must be given priority:

25 (i) grant applications for professional training for day-care or school-age care providers; and

26 (ii) grant applications for the startup of school-age care programs or facilities WHEN A COMMUNITY
27 NEED HAS BEEN DEMONSTRATED;

28 (III) GRANT APPLICATIONS FOR CONSUMER EDUCATION; AND

29 (IV) GRANT APPLICATIONS FOR PRESERVATION OR EXPANSION OF EXISTING CARE PROGRAMS
30 THAT FILL A DEMONSTRATED NEED BUT HAVE A HIGH PROBABILITY OF CLOSURE.

