

HOUSE BILL No. 2053

By Representative Otto

1-11

9 AN ACT relating to child care facilities; concerning licensure thereof by
10 cities, counties and school districts.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. As used in this act:

14 (a) "Child care facility" means:

15 (1) A facility maintained by a person who has control or custody of
16 one or more children under 16 years of age, unattended by parent or
17 guardian, for the purpose of providing the children with food or lodging,
18 or both, except children related to the person by blood, marriage or legal
19 adoption;

20 (2) a children's home, orphanage, maternity home, day care facility
21 or other facility of a type determined by the governing body of the city,
22 county or school district where the facility is located to require regulation;
23 or

24 (3) any receiving or detention home for children under 16 years of
25 age provided or maintained by, or receiving aid from, any city or county
26 or the state.

27 (b) "Person" means any individual, association, partnership, corpo-
28 ration, government, governmental subdivision or other entity.

29 Sec. 2. (a) In accordance with this act, the governing body of any
30 city, county or school district may opt to license child care facilities within
31 their geographic boundaries in lieu of licensure pursuant to article 5 of
32 chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

33 (b) In order for any city, county or school district or child care facil-
34 ities within their boundaries to be exempt from licensure of child care
35 facilities pursuant to article 5 of chapter 65 of the Kansas Statutes An-
36 notated, and amendments thereto, the governing body shall first adopt
37 licensure requirements, including fees to be charged, the requirements
38 and conditions relating to the operation of child care facilities within their
39 boundaries and such related matters as deemed appropriate to the gov-
40 erning body. The governing body shall provide a copy thereof to the
41 secretary of the Kansas department of health and environment.

42 (c) In the event of a conflict between licensure requirements adopted
43 by any city, county or school district, the following rules shall govern: (1)

1 City licensure requirements control over county licensure requirements;
2 (2) school licensure requirements shall control over county licensure
3 requirements; and (3) city licensure requirements shall control over
4 school licensure requirements except when the child care facility is op-
5 erated by the school district.

6 Sec. 3. This act shall take effect and be in force from and after its
7 publication in the statute book.