

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 945

Introduced by Haar, 21.

Read first time January 11, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Child Care Licensing Act; to amend
2 sections 71-1911 and 71-1911.02, Reissue Revised Statutes
3 of Nebraska; to require licensees to provide proof of
4 radon levels at the child care location as prescribed;
5 and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-1911, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-1911 (1) A person may operate child care for three or
4 fewer children without having a license issued by the department. A
5 person who is not required to be licensed may choose to apply for a
6 license and, upon obtaining a license, shall be subject to the Child
7 Care Licensing Act. A person who has had a license issued pursuant to
8 this section and has had such license suspended or revoked other than
9 for nonpayment of fees shall not operate or offer to operate a
10 program for or provide care to any number of children until the
11 person is licensed pursuant to this section.

12 (2) No person shall operate or offer to operate a program
13 for four or more children under his or her direct supervision, care,
14 and control at any one time from families other than that of such
15 person without having in full force and effect a written license
16 issued by the department upon such terms as may be prescribed by the
17 rules and regulations adopted and promulgated by the department. The
18 license may be a provisional license or an operating license. A city,
19 village, or county which has rules, regulations, or ordinances in
20 effect on July 10, 1984, which apply to programs operating for two or
21 three children from different families may continue to license
22 persons providing such programs. If the license of a person is
23 suspended or revoked other than for nonpayment of fees, such person
24 shall not be licensed by any city, village, or county rules,
25 regulations, or ordinances until the person is licensed pursuant to

1 this section.

2 (3) A provisional license shall be issued to all
3 applicants following the completion of preservice orientation
4 training approved or delivered by the department for the first year
5 of operation. At the end of one year of operation, the department
6 shall either issue an operating license, extend the provisional
7 license, or deny the operating license. The provisional license may
8 be extended once for a period of no more than six months. The
9 decision regarding extension of the provisional license is not
10 appealable. The provisional license may be extended if:

11 (a) A licensee is unable to comply with all licensure
12 requirements and standards, is making a good faith effort to comply,
13 and is capable of compliance within the next six months;

14 (b) The effect of the current inability to comply with a
15 rule or regulation does not present an unreasonable risk to the
16 health, safety, or well-being of children or staff; and

17 (c) The licensee has a written plan of correction that
18 has been approved by the department which is to be completed within
19 the renewal period.

20 (4) The department may place a provisional or operating
21 license on corrective action status. Corrective action status is
22 voluntary and may be in effect for up to six months. The decision
23 regarding placement on corrective action status is not a disciplinary
24 action and is not appealable. If the written plan of correction is
25 not approved by the department, the department may discipline the

1 license. A probationary license may be issued for the licensee to
2 operate under corrective action status if the department determines
3 that:

4 (a) The licensee is unable to comply with all licensure
5 requirements and standards or has had a history of noncompliance;

6 (b) The effect of noncompliance with any rule or
7 regulation does not present an unreasonable risk to the health,
8 safety, or well-being of children or staff; and

9 (c) The licensee has a written plan of correction that
10 has been approved by the department.

11 (5) Any licensee that has a provisional or operating
12 license on the effective date of this act shall provide a written
13 affidavit to the department stating that the building in which the
14 program is located has a maximum radon level of four picocuries per
15 liter of air within one year after the effective date of this act.

16 ~~(5)~~(6) Operating licenses issued under the Child Care
17 Licensing Act shall remain in full force and effect subject to annual
18 inspections and fees. The department may amend a license upon change
19 of ownership or location. Upon a change of location, the licensee
20 shall provide a written affidavit to the department stating that the
21 building at the new location has a maximum radon level of four
22 picocuries per liter of air within sixty days after the change of
23 location has occurred. Amending a license requires a site inspection
24 by the department at the time of amendment, except that for amendment
25 of a family child care home I license, an inspection shall occur

1 within sixty days. When a program is to be permanently closed, the
2 licensee shall return the license to the department within one week
3 after the closing.

4 ~~(6)~~ (7) The license, including any applicable status or
5 amendment, shall be displayed by the licensee in a prominent place so
6 that it is clearly visible to parents and others. License record
7 information and inspection reports shall be made available by the
8 licensee for public inspection upon request.

9 Sec. 2. Section 71-1911.02, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-1911.02 (1) An applicant for a license to operate a
12 program required to be licensed under the Child Care Licensing Act
13 shall file a written application with the department. The application
14 shall be accompanied by the license fee pursuant to section
15 71-1911.01 and shall set forth the full name and address of the
16 program to be licensed, the full name and address of the owner of
17 such program, the names of all household members if the program is
18 located in a residence, the names of all persons in control of the
19 program, and additional information as required by the department,
20 including affirmative evidence of the applicant's ability to comply
21 with rules and regulations adopted and promulgated under the act and
22 a written affidavit stating that the building in which the program is
23 located has a maximum radon level of four picocuries per liter of
24 air. The application shall include the applicant's social security
25 number if the applicant is an individual. The social security number

1 shall not be public record and may only be used for administrative
2 purposes.

3 (2) The application shall be signed by (a) the owner, if
4 the applicant is an individual, a partnership, or the sole owner of a
5 limited liability company or a corporation, (b) two of its members,
6 if the applicant is a limited liability company, or (c) two of its
7 officers, if the applicant is a corporation.

8 Sec. 3. Original sections 71-1911 and 71-1911.02, Reissue
9 Revised Statutes of Nebraska, are repealed.