

State of Arizona
House of Representatives
Forty-second Legislature
Second Regular Session
1996

FILED

**Jane Dee Hull
Secretary of State**

CHAPTER 325

HOUSE BILL 2052

AN ACT

AMENDING TITLE 36, CHAPTER 7.1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-893; AMENDING TITLE 36, CHAPTER 7.1, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-897.10; REPEALING LAWS 1996, FIFTH SPECIAL SESSION, CHAPTER 5, SECTION 10; MAKING AN APPROPRIATION; RELATING TO CHILD DAY CARE PROGRAMS.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 7.1, article 1, Arizona Revised Statutes,
3 is amended by adding section 36-893, to read:

4 36-893. Legal action or sale; effect on licensure

5 A. THE DEPARTMENT SHALL NOT ACCEPT AN APPLICATION FOR LICENSURE OF A
6 CURRENTLY LICENSED DAY CARE CENTER WHILE ANY ENFORCEMENT OR COURT ACTION
7 RELATED TO DAY CARE CENTER LICENSURE IS PENDING AGAINST THAT CENTER'S CURRENT
8 LICENSEE.

9 B. THE DIRECTOR MAY CONTINUE TO PURSUE ANY COURT, ADMINISTRATIVE OR
10 ENFORCEMENT ACTION AGAINST THE LICENSEE EVEN THOUGH THE CENTER IS IN THE
11 PROCESS OF BEING SOLD OR TRANSFERRED TO A NEW OWNER.

12 C. THE DEPARTMENT SHALL NOT APPROVE A CHANGE IN CENTER OWNERSHIP
13 UNLESS IT DETERMINES THAT THERE HAS BEEN A TRANSFER OF ALL LEGAL AND
14 EQUITABLE INTERESTS, CONTROL AND AUTHORITY IN THE CENTER SO THAT PERSONS
15 OTHER THAN THE TRANSFERRING LICENSEE, THAT LICENSEE'S AGENT OR OTHER PARTIES
16 EXERCISING AUTHORITY OR SUPERVISION OVER THE CENTER'S DAILY OPERATIONS OR
17 STAFF ARE RESPONSIBLE FOR AND HAVE CONTROL OVER THE CENTER.

1 Sec. 2. Title 36, chapter 7.1, article 4, Arizona Revised Statutes,
2 is amended by adding section 36-897.10, to read:

3 36-897.10. Pending action or sale; effect on licensure

4 A. THE DEPARTMENT SHALL NOT ACCEPT AN APPLICATION FOR CERTIFICATION
5 OF A CURRENTLY CERTIFIED DAY CARE GROUP HOME WHILE ANY ENFORCEMENT OR COURT
6 ACTION RELATED TO DAY CARE GROUP HOME LICENSURE IS PENDING AGAINST THAT
7 CENTER'S CURRENT LICENSEE.

8 B. THE DIRECTOR MAY CONTINUE TO PURSUE ANY COURT, ADMINISTRATIVE OR
9 ENFORCEMENT ACTION AGAINST THE CERTIFICATE HOLDER EVEN IF THE GROUP HOME IS
10 IN THE PROCESS OF BEING SOLD OR TRANSFERRED TO A NEW OWNER.

11 C. THE DEPARTMENT SHALL NOT APPROVE A CHANGE IN GROUP HOME OWNERSHIP
12 UNLESS IT DETERMINES THAT THERE HAS BEEN A TRANSFER OF LEGAL AND EQUITABLE
13 INTERESTS, CONTROL AND AUTHORITY IN THE GROUP HOME SO THAT PERSONS OTHER THAN
14 THE TRANSFERRING LICENSEE, THAT LICENSEE'S AGENT OR OTHER PARTIES EXERCISING
15 AUTHORITY OR SUPERVISION OVER THE CENTER'S DAILY OPERATIONS OR STAFF ARE
16 RESPONSIBLE FOR AND HAVE CONTROL OVER THE GROUP HOME.

17 Sec. 3. Repeal

18 Laws 1996, fifth special session, chapter 5, section 10 is repealed.

19 Sec. 4. Appropriation; purpose

20 The sum of \$205,100 is appropriated from the state general fund to the
21 department of health services for fiscal year 1996-1997 for day care
22 licensing activities including fourteen full time equivalent positions.

APPROVED BY THE GOVERNOR MAY 1, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 1996