

Dear Governor Hughes:

We have reviewed and hereby approve for constitutionality and legal sufficiency House Bills 260 and 1290 and Senate Bill 546, all of which concern the licensing of group day care centers. House Bill 1290 and Senate Bill 546 are identical bills. While either these two bills or House Bill 260 may be signed, we recommend that only the identical bills or the other bill be signed, as there are irreconcilable differences between them.

House Bill 1290 and Senate Bill 546 are for the purpose of improving the safety of children by requiring the licensing of certain facilities as group day care centers. The bills alter the definition in § 14-101 of the Health-General Article of "group day care center" to mean

"an agency institution, or establishment that, for part or all of a day, on a regular schedule, and at least twice a week, offers or provides group day care to children who do not have the same parentage except as otherwise provided for in law or regulations."

The bills would also authorize the Secretary of Health and Mental Hygiene to adopt certain additional regulations.

House Bill 260 also alters the definition of "group day care center" in § 14-101, to provide that that term does not include certain facilities that provide residential placement, that a certain license authorizes the licensee to operate a group day care center on a 24-hour basis, and to prohibit a child from remaining at a group day care center for more than 14 hours in one day unless the local health officer issues an exception. The new definition of "group day care center" under this bill would be:

"(1) 'Group day care center' means an agency, institution, or establishment that, for part or all of a day, or on a 24-hour basis, on a regular schedule, and at least twice a week, offers or provides group day care to at least 7 children who do not have the same parentage.

(2) 'Group day care center' does not include a child care home, a child care institution, or other child care facility that offers or provides a residential placement for a child and is established, licensed, or registered under Title 5, Subtitle 5 of the Family Law Article or Titles 6 or 10 of the Health-General Article."

Obviously, these two definitions of "group day care center" cannot be merged together without destroying the intent of the bills. Thus, the signing of the identical bills and House Bill 260 will necessarily create two definitions concerning the same matter. Therefore, in order to avoid confusion in the law,