

1 HOUSE BILL NO. 187

2 INTRODUCED BY A. BUCKLEY, J. GILLETTE, S. FITZPATRICK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~ESTABLISHING~~ CLARIFYING THAT CHILD CARE IS A
 5 RESIDENTIAL USE OF PROPERTY AND A RESIDENTIAL PURPOSE; AND PROVIDING AN IMMEDIATE
 6 EFFECTIVE DATE, A RETROACTIVE APPLICABILITY DATE, AND AN APPLICABILITY DATE."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 NEW SECTION. Section 1. Home based HOME-BASED child care. ~~Unless the clear and express~~
 11 ~~terms of a covenant provide otherwise, providing~~ PROVIDING child care IN A FAMILY DAY-CARE HOME AS DEFINED IN
 12 52-2-703 OR A GROUP DAY-CARE HOME AS DEFINED IN 52-2-703 is a residential use of property and is a residential
 13 purpose.

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15 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
 16 integral part of Title 70, chapter 17, part 2, and the provisions of Title 70, chapter 17, part 2, apply to [section 1].

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18 NEW SECTION. Section 3. Severability. If a part of [this act] is invalid, all valid parts that are
 19 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
 20 the part remains in effect in all valid applications that are severable from the invalid applications.

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

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24 NEW SECTION. Section 5. Retroactive applicability. [This act] applies retroactively, within the
 25 meaning of 1-2-109, to covenants on residential property in existence before [the effective date of this act] that
 26 do not clearly and expressly address child care.

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28 NEW SECTION. Section 6. Applicability. [This act] applies to covenants on residential property in

1 ~~existence~~ ADOPTED on or after [the effective date of this act] that do not clearly and expressly address child

2 care.

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