

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1422

Introduced by

Representatives Hawken, Frantsvog, Hatlestad, N. Johnson

Senators Heckaman, Krebsbach

1 A BILL for an Act ~~to create and enact a new subsection to section 50-11.1-03 and two new~~
2 ~~sections to chapter 50-11.1 of the North Dakota Century Code, relating to staffing as group~~
3 ~~sizes for licensed child care~~; to amend and reenact subsection 9 of section 50-11.1-02 of the
4 North Dakota Century Code, relating to the definition of group child care; and to provide an
5 appropriation to the department of human services for a child care stabilization initiative.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Subsection 9 of section 50-11.1-02 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 9. "Group child care" means a child care program licensed to provide early childhood
10 services for ~~eighteen~~thirtytwo-four or fewer children.

11 ~~SECTION 2. A new subsection to section 50-11.1-03 of the North Dakota Century Code is~~
12 ~~created and enacted as follows:~~

13 ~~A license is not required for onsite child care provided by an employer for the children~~
14 ~~of employees which is not open to the public.~~

15 ~~SECTION 3. A new section to chapter 50-11.1 of the North Dakota Century Code is created~~
16 ~~and enacted as follows:~~

17 ~~**Play area regulation.**~~

18 ~~The department may not require the recreation areas used by children in a facility licensed~~
19 ~~under this chapter to be indoors.~~

20 ~~SECTION 4. A new section to chapter 50-11.1 of the North Dakota Century Code is created~~
21 ~~and enacted as follows:~~

1 ~~Staffing requirements.~~

2 ~~1. The operator shall ensure that the center or group child care facility is sufficiently~~
3 ~~staffed at all times to meet the child to staff ratios for children in attendance and that~~
4 ~~no more children than the licensed capacity are served at one time.~~

5 ~~2. The minimum ratio of staff members responsible for caring for or teaching~~
6 ~~children to children in a child care center and a group child care facility and~~
7 ~~maximum group size of children must be:~~

8 ~~a. If all children in care are less than eighteen months of age, one staff member~~
9 ~~may care for five children, a ratio of .20 in decimal form, with a maximum group~~
10 ~~size of ten children with two staff members;~~

11 ~~b. If all children in care are children eighteen months of age to thirty-six months of~~
12 ~~age, one staff member may care for seven children, a ratio of .14 in decimal form,~~
13 ~~with a maximum group size of fifteen children with two staff members;~~

14 ~~c. If all children in care are three years of age to four years of age, one staff~~
15 ~~member may care for ten children, a ratio of .10 in decimal form, with a maximum~~
16 ~~group size of twenty children with two staff members;~~

17 ~~d. If all children in care are four years of age to five years of age, one staff member~~
18 ~~may care for twelve children, a ratio of .08 in decimal form, with a maximum~~
19 ~~group size of twenty-five children with two staff members;~~

20 ~~e. If all children in care are five years of age to six years of age, one staff member~~
21 ~~may care for fifteen children, a ratio of .05 in decimal form, with a maximum~~
22 ~~group size of thirty children with two staff members; and~~

23 ~~f. If all children in care are six years of age to twelve years of age, one staff~~
24 ~~member may care for an unlimited number of children.~~

25 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general
26 fund in the state treasury, not otherwise appropriated, the sum of ~~\$2,100,000~~\$2,600,000, or so
27 much of the sum as may be necessary, to the department of human services for the purpose of
28 a child care stabilization initiative under sections 50-11.1-14.1 and 50-11.1-18, for the biennium
29 beginning July 1, 2013, and ending June 30, 2015. ~~The initiative must provide assistance to~~
30 ~~stabilize child care operations, recruit and retain a qualified workforce, and advance quality child~~
31 ~~care practices through the implementation and administration of the following programs:-~~

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- 1 ~~Technical assistance and shared services~~ ~~\$1,600,000~~
- 2 ~~Data collection and evaluation~~ ~~\$500,000~~