

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1352

Introduced by

Representatives S. Kelsh, Bernstein, Glassheim, Delmore

Senators Mathern, Thane

1 A BILL for an Act to create and enact two new sections to chapter 50-11.1 of the North Dakota
2 Century Code, relating to a board of early childhood services; and to amend and reenact
3 section 50-11.1-08 of the North Dakota Century Code, relating to early childhood services.

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

5 **SECTION 1.** A new section to chapter 50-11.1 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Board of early childhood services - Membership - Compensation.** The board of
8 early childhood services consists of five members appointed by the governor. Three members
9 must be licensed early childhood services providers chosen from a list of six licensed providers
10 submitted to the governor by child care providers, incorporated, and two members must be lay
11 persons. Of the three licensed early childhood providers chosen, at least one must be a family
12 child care home provider and at least one must be a child care center provider. Each member
13 must be a citizen and a resident of this state. The term of office of each board member is for
14 three years; provided, that of the members initially appointed, one provider member and one lay
15 member must be appointed for a term of one year; one provider member and one lay member
16 must be appointed for a term of two years; and one provider member must be appointed for a
17 term of three years. No person may serve more than two consecutive three-year terms. The
18 governor may remove any board member for good cause after giving that member a written
19 statement of the reasons for removal and after that member has had an opportunity for a
20 hearing. In the case of vacancy on the board caused by death, resignation, or removal, the
21 governor shall appoint a qualified person to serve the remainder of the unexpired term. Each
22 appointed member is entitled to be paid mileage and expenses as authorized by law for state
23 officials and employees.

1 **SECTION 2.** A new section to chapter 50-11.1 of the North Dakota Century Code is
2 created and enacted as follows:

3 **Powers and duties of board of early childhood services.** The department shall
4 submit rules adopted under this chapter to the board of early childhood services for approval
5 before submitting the rules to the attorney general for an opinion as to legality under section
6 28-32-02. The board shall advise the department in the development of policies and rules
7 governing the early childhood services authorized under this chapter including:

- 8 1. Early childhood facility licensing requirements.
- 9 2. Provider training and continuing education requirements.
- 10 3. Administration and recordkeeping requirements.
- 11 4. Facility safety and sanitation requirements.
- 12 5. Monitoring, evaluation, and audit requirements.
- 13 6. Standards and requirements for the safety and health of children in early childhood
14 facilities.

15 **SECTION 3. AMENDMENT.** Section 50-11.1-08 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **50-11.1-08. Minimum standards - Rules and regulations - Inspection by a**
18 **governmental unit.** ~~The~~ Subject to section 2 of this Act, the department may:

- 19 1. Establish reasonable minimum standards for the operation of early childhood
20 facilities, and the registration of in-home providers. In appropriate circumstances
21 and upon good cause shown, specific minimum standards may be substituted by
22 alternate, equivalent standards, approved by the department.
- 23 2. Take such action and make such reasonable rules and regulations for the
24 regulation of early childhood services as may be necessary to carry out the
25 purposes of this chapter and entitle the state to receive aid from the federal
26 government.
- 27 3. Authorize a governmental unit to:
 - 28 a. Inspect any home or facility for which a license is applied for or issued under
29 this chapter; and
 - 30 b. Certify to the department that the home or facility meets the requirements of
31 this chapter and the minimum standards prescribed by the department.