

JUN 29 2012

Legal Advisory Unit



Fax (701) 328-2173
Legal (701) 328-2311
Appeals (701) 328-2311
ND Relay TTY (800) 366-6888

Jack Dalrymple, Governor
Carol K. Olson, Executive Director

June 29, 2012

Mr. John Walstad, Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505

RE: Emergency Rule Making for Proposed Amendments to N.D. Admin. Code
Sections 75-03-09-09 and 75-03-10-08 – Early Childhood Services

Dear Mr. Walstad:

Attached for filing in the office of the Legislative Council are the following:

1. Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. § 28-32-02;
2. Finding and Statement of Reason of the North Dakota Department of Human Services, with respect to the declaration of the proposed amendments to N.D.A.C. Sections 75-03-09-09 and 75-03-10-08;
3. Interim final rules effective July 1, 2012; and
4. The June 28, 2012, letter from Governor Dalrymple approving the request for emergency rulemaking.

I have declared these proposed amendments to be interim final rules effective July 1, 2012.

The department has determined that appropriate measures to make the proposed interim final rules known to every person who may be affected by them consist of mailing a copy of the proposed rules to each county social service board office, to each regional human service center, and to persons or entities who have expressed an interest in receiving notice of such rulemaking; furnishing this notice to the Legislative Council; and publishing notice of the proposed rulemaking once in each county newspaper of general circulation published in the state of North Dakota.

Mr. John Walstad, Code Revisor
Emergency Rule Making for Proposed Amendments
June 29, 2012
Page 2

If you have any questions or concerns, please contact Julie Leer at 328-2311. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Carol K. Olson". The signature is written in a cursive style with a large initial 'C'.

Carol K. Olson
Executive Director

CO/cs

Cc: Jennifer Barry, Children and Family Services



Jack Dalrymple, Governor
Carol K. Olson, Executive Director

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. SECTIONS 75-03-09-09 AND 75-03-10-08
EARLY CHILDHOOD SERVICES

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code sections 75-03-09-09 and 75-03-10-08 at 9:30 a.m. on Wednesday, August 8, 2012, in Bismarck, N.D. in the AV Room – Room 212, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code sections 75-03-09-09 and 75-03-10-08, Early Childhood Services, are to address the increased demand for child care and to address the inadequate capacity of licensed child care.

The proposed changes are as follows:

Section 75-03-09-09 is amended to allow a licensed group child care provider flexibility in the allowable children to staff ratios and to allow the provider to apply for a waiver of the children to staff ratios.

Section 75-03-10-08 is amended to allow a licensed child care center to apply for a waiver to increase the allowable ratio of children to staff.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at county social services offices and at human service centers. Copies of the proposed rules and the regulatory analysis relating to these rules may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Monday, August 20, 2012.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 29th day of June, 2012.



Jack Dalrymple, Governor
Carol K. Olson, Executive Director

**FINDING AND STATEMENT OF REASON
NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
REGARDING PROPOSED AMENDMENTS TO
NORTH DAKOTA ADMINISTRATIVE CODE
SECTIONS 75-03-09-09 AND 75-03-10-08
EARLY CHILDHOOD SERVICES**


FINDING

I find that emergency rulemaking to amend N.D. Admin. Code chapters 75-03-09-09 and 75-03-10-08, relating to Early Childhood Services, is necessary because of imminent peril to the public health, safety, or welfare.

STATEMENT OF REASON

Emergency rulemaking is necessary because of imminent peril to the public health, safety, or welfare. The proposed rules would allow the Department of Human Services, as the early childhood services regulatory agency, to waive capacity limits for existing child care programs upon the department's consideration of a demonstrated need, the impact of the waiver to the health and safety of children, the age of children and the number of children to be served under the waiver, and the licensing history of the operator applying for the waiver. This would ensure the safety and welfare of children by increasing the capacity of licensed child care, giving parents more options for child care services.

Dated this 20 day of June, 2012.



Carol K. Olson
Executive Director



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Jack Dalrymple, Governor
Carol K. Olson, Executive Director

June 29, 2012

RE: Interim Final Rules Effective July 1, 2012
N.D. Admin. Code Sections 75-03-09-09 and 75-03-10-08
Early Childhood Services

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing interim final rules effective July 1, 2012 regarding N.D. Admin. Code sections 75-03-09-09 and 75-03-10-08, Early Childhood Services. The department has adopted procedures to assure public input into the formulation of such rules prior to their final adoption.

In conformity with those procedures, we are providing you with a copy of the interim final rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on August 20, 2012.

The department has scheduled an oral hearing on August 8, 2012. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,

A handwritten signature in black ink that reads "Carol K. Olson". The signature is written in a cursive, flowing style.

Carol K. Olson,
Executive Director

CKO/cs

Attachments

Cc: John Walstad, Legislative Council
Jennifer Barry, Children and Family Services



— State of —
North Dakota
Office of the Governor

Jack Dalrymple
Governor

June 28, 2012

Carol Olson
Department of Human Services
600 East Boulevard Avenue
Bismarck, ND 58505

Dear Carol,

On June 21, 2012, I received your request for approval of emergency rulemaking to amend North Dakota Administrative Rule 75-03-09-09 and 75-03-10-08 regarding staffing requirements for childcare providers.

I have reviewed the request pursuant to N.D.C.C. § 28-32-03 and I find that an emergency rulemaking is reasonably necessary and I therefore approve adoption of your proposed rules as interim final rules.

Sincerely,

A handwritten signature in black ink that reads "Jack Dalrymple".

Jack Dalrymple
Governor

37:74:56



Jack Dairymple, Governor
Carol K. Olson, Executive Director

**FINDING AND STATEMENT OF REASON
NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
REGARDING PROPOSED AMENDMENTS TO
NORTH DAKOTA ADMINISTRATIVE CODE
SECTIONS 75-03-09-09 AND 75-03-10-08
EARLY CHILDHOOD SERVICES**


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Carol K. Olson
Executive Director



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Carol K. Olson,
Executive Director

CKO/cs

Attachments

Cc: John Walstad, Legislative Council
Jennifer Barry, Children and Family Services



— State of —
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Jack Dalrymple
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Governor

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