

**FIRST ENGROSSMENT  
with Conference Committee Amendments  
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; to provide an  
5 appropriation; to provide a contingent appropriation; to provide legislative intent; to provide a  
6 report to the legislative management; to provide for application; and to provide an expiration  
7 date.

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

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

11 9. "Group child care" means a child care program licensed to provide early childhood  
12 services for ~~eighteen~~thirty or fewer children.

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

15 A license is not required for onsite child care services that are located in the actual  
16 building in which the child's parent is employed, not to exceed ten children per  
17 location.

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

20 **Play area regulation.**

21 If a facility licensed under this chapter has sufficient indoor recreation space, the  
22 department may not require outdoor play space.

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

1        **Staffing requirements.**

2        The maximum group size of children in a child care center must be:

3        1.   For children less than eighteen months of age, the maximum group size is ten  
4        children;

5        2.   For children eighteen months of age to thirty-six months of age, the maximum group  
6        size is fifteen children;

7        3.   For children three years of age to four years of age, the maximum group size is twenty  
8        children;

9        4.   For children four years of age to five years of age, the maximum group size is  
10       twenty-five children;

11       5.   For children five years of age to six years of age, the maximum group size is thirty  
12       children; and

13       6.   For children six years of age to twelve years of age, the maximum group size is forty  
14       children.

15       **SECTION 5. APPROPRIATION.** There is appropriated out of any moneys in the general  
16 fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the  
17 sum as may be necessary, to the department of human services for the purpose of providing  
18 child care provider incentive grants pursuant to section 50-11.1-14.1, for the biennium beginning  
19 July 1, 2013, and ending June 30, 2015.

20       **SECTION 6. APPROPRIATION.** There is appropriated out of any moneys in the general  
21 fund in the state treasury, not otherwise appropriated, the sum of \$300,000, or so much of the  
22 sum as may be necessary, to the department of human services for the purpose of funding early  
23 childhood services specialists pursuant to section 50-11.1-18, for the biennium beginning July 1,  
24 2013, and ending June 30, 2015.

25       **SECTION 7. CONTINGENT APPROPRIATION.** If the changes in the eligibility and copay  
26 requirements for the child care assistance program as contained in section 8 of this Act require  
27 more funding than the amounts appropriated to the department of human services in House Bill  
28 No. 1012, as approved by the sixty-third legislative assembly, for the child care assistance  
29 program for the 2013-15 biennium, there is appropriated out of any moneys in the general fund  
30 in the state treasury, not otherwise appropriated, the sum of \$2,500,000, or so much of the sum  
31 as may be necessary, to the department of human services for the purpose of implementing the

1 changes contained in section 8 of this Act, for the biennium beginning July 1, 2013, and ending  
2 June 30, 2015. If the changes in section 8 of this Act can be implemented within the child care  
3 assistance program appropriation appropriated to the department of human services in House  
4 Bill No. 1012, as approved by the sixty-third legislative assembly, for the child care assistance  
5 program for the 2013-15 biennium, or requires less than the \$2,500,000 provided in this section,  
6 up to \$1,000,000 of the \$2,500,000 appropriated in this section may be used by the department  
7 of human services to provide child care provider incentive grants pursuant to section  
8 50-11.1-14.1.

9 **SECTION 8. LEGISLATIVE INTENT - CHILD CARE ASSISTANCE PROGRAM - REPORT**  
10 **TO THE LEGISLATIVE MANAGEMENT.** It is the intent of the legislative assembly that the  
11 department of human services change the eligibility requirement for the child care assistance  
12 program from fifty percent of the state median income to eighty-five percent of the state median  
13 income. Beginning July 1, 2014, if the funding appropriated to the department of human  
14 services in House Bill No. 1012, as approved by the sixty-third legislative assembly, and in  
15 section 7 of this Act for the child care assistance program is sufficient, the department of human  
16 services may reduce copay requirements for the child care assistance program. The  
17 department of human services shall report the impact of these changes to the legislative  
18 management.

19 **SECTION 9. APPLICATION.** Section 4 of this Act does not apply to a child care center  
20 operator who has maintained a license since before January 1, 1999.

21 **SECTION 10. EXPIRATION DATE.** Sections 4 and 9 of this Act are effective until the date  
22 the administrative rules containing the requirements of section 4 of this Act on maximum group  
23 size of children in a child care center take effect. The department of human services shall certify  
24 to the legislative council the date those rules will take effect, and as of that date sections 4  
25 and 9 of this Act become ineffective.