

2013 SENATE HUMAN SERVICES

SB 2085

2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

SB 2085

1/15/13

Recording Job Number: 17208

☐ Conference Committee

Committee Clerk Signature:



Explanation or reason for introduction of bill/resolution:

Relating to definitions used in early childhood services licensing, smoking on early childhood services premises, and the early childhood services advisory board.

Minutes:

You may make reference to "attached testimony."

Chairman Lee opens hearing on SB 2085.

Jennifer Barry, Early Childhood Services Administrator with the Department of Human Services, is first to testify in support of SB 2085.

See attachment #1.

Floor is open for questions from the committee.

Senator Dever asks for clarification about being able to smoke in a home where childcare is provided.

Ms. Barry explains that under state law effective December 6, 2012, smoking is prohibited in these homes.

Senator Anderson asks Ms. Barry to explain the effectiveness of the advisory board and more about what it does.

Ms. Barry refers back to her testimony (last paragraph). The board is made up of 7 members and the intent is so providers have a voice in the administrative rules process. It is beneficial to have the direct provider voice to go back to regions and share the ideas, as well as helps with the ongoing discussion through the rules process so there are no surprises.

No further questions from the committee for Ms. Barry and no further testimony in favor.

Senator Anderson suggests that the sentence (page 5, line 2) "Of the first members appointed, one member must be appointed for a term of one year, two members must be

appointed for terms of two years, two members must be appointed for terms of three years, and two member must be appointed for terms of four years" be eliminated.

It was agreed by the committee that the sentence is not needed and can be eliminated.

No more testimony on SB 2085.

Chairman Lee closes the hearing.

Senator Anderson moves to adopt the amendment.

Senator Larsen seconds.

No further discussion.

Roll call vote: 5-0, amendment motion passes.

Senator Dever moves Do Pass as Amended.

Senator Larsen seconds.

No further discussion.

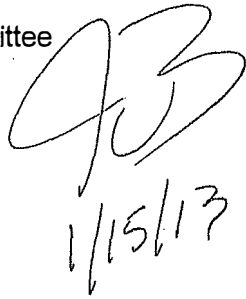
Roll call vote: 5-0, Do Pass as Amended.

Senator Axness carries Bill to the floor.

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Title.02000

Adopted by the Human Services Committee

January 15, 2013

A handwritten signature, possibly "JB", is written above the date "1/15/13".

PROPOSED AMENDMENTS TO SENATE BILL NO. 2085

Page 5, line 2, overstrike "Of the"

Page 5, overstrike lines 3 through 5

Renumber accordingly

Date: 1/15/13
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2085

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Sen. Anderson Seconded By Sen. Larsen

Senators	Yes	No	Senator	Yes	No
Chairman Judy Lee	✓		Senator Tyler Axness	✓	
Vice Chairman Oley Larsen	✓				
Senator Dick Dever	✓				
Senator Howard Anderson, Jr.	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 1/15/13
Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2085

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Sen. Deyer Seconded By Sen. Larsen

Senators	Yes	No	Senator	Yes	No
Chairman Judy Lee	✓		Senator Tyler Axness	✓	
Vice Chairman Oley Larsen	✓				
Senator Dick Dever	✓				
Senator Howard Anderson, Jr.	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen. Axness

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2085: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2085 was placed on the Sixth order on the calendar.

Page 5, line 2, overstrike "Of the"

Page 5, overstrike lines 3 through 5

Renumber accordingly

2013 HOUSE HUMAN SERVICES

SB 2085

2013 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee Fort Union Room, State Capitol

SB 2085
March 18, 2013
Job #20034

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to definitions used in early childhood services licensing.

Minutes:

See Testimony #1

Chairman Weisz opened the hearing on SB 2085.

Jennifer Barry: Early Childhood Services Administrator for DHS testified in support of the bill. (See Testimony #1)

2:48

Rep. Oversen: The definition of family child care is not changing the number of children just when they can have that additional?

Barry: Currently, family child care providers can have the seven plus the two additional school age kids, but they can only have the school age kids during the school year and so this would allow them to have them during the summer.

Chairman Weisz: Is there a reason why you had to define what school age children were?

Barry: There was no definition of school age children and we have had questions in the past regarding this same provision when they could have the same school agers. We are defining it as a child five years or older.

Rep. Fehr: On page 4, line 24, what is the pursuit of self-declaration mean?

Barry: The smoking prohibition would apply to our licensed program, self-declared and our registered. A self-declared provider is an unlicensed provider caring for five or fewer children and a registered provider is someone who provides care in the child's home.

Rep. Fehr: I assumed self-declared meant they weren't licensed, but then I read at the end of the sentence, "subject to licensure" and now I am confused.

Barry: The new smoking law just talks about licensed providers. It doesn't mention any other areas of regulation so we are updating our law to reflect that it applies to registered, and licensed self-declared programs.

Rep. Fehr: It is not saying the self-declared have to be licensed; it is saying the self-declared have to be non-smoking?

Barry: Correct.

NO OPPOSITION

Chairman Weisz: closed the hearing on SB 2085.

Chairman Weisz: Let's take up 2085.

Vice-Chair Hofstad: I move a Do Pass on engrossed Senate Bill 2085.

Rep. Fehr: Second.

ROLL CALL VOTE: 12 y 0 n 1 absent

MOTION CARRIED

Bill Carrier: Rep. Muscha

2013 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee Fort Union Room, State Capitol

SB 2085
March 26, 2013
Job #20423

☐ Conference Committee

Committee Clerk Signature

Thicky Crabtree

Explanation or reason for introduction of bill/resolution:

Relating to definitions used in early childhood services licensing.

Minutes:

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Chairman Weisz: Called the committee back to order. We had to have SB 2085 brought back down to committee for consideration. Someone asked if we would be willing to put an emergency clause on it. I said I didn't think that would be a problem

Rep. Porter: I move to reconsider SB 2085.

Rep. Looyen: Second.

VOICE VOTE: MOTION CARRIED

Chairman Weisz: We have a bill in front of us and it has to do with early childhood services. It changed some of the numbers; the definition of school age children. On page, line 8 is the reason they were hoping to have an emergency clause.

Rep. Porter: I move the amendment.

Rep. Silbernagel: Second.

Chairman Weisz: There will be an emergency clause on the whole bill, not just on this section.

VOICE VOTE: MOTION CARRIED

Rep. Silbernagel: I move a Do Pass as amended on SB 2085

Rep. Anderson: Second.

ROLL CALL VOTE: 13 y 0 n 0 absent

March 25, 2013

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2085

Page 1, line 4, after "board" insert "; and to declare an emergency"

Page 6, after line 4, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Date: 3-18-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2085

House Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Hofstad Seconded By Rep. Fehr

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ	✓		REP. MOONEY	✓	
VICE-CHAIRMAN HOFSTAD	✓		REP. MUSCHA	✓	
REP. ANDERSON	✓		REP. OVERSEN	✓	
REP. DAMSCHEN	✓				
REP. FEHR	✓				
REP. KIEFERT	✓				
REP. LANING	✓				
REP. LOOYSEN	✓				
REP. PORTER	A				
REP. SILBERNAGEL	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep. Muscha

If the vote is on an amendment, briefly indicate intent:

Date: 3-25-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2085

House Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☒ Reconsider

Motion Made By Rep. Porter Seconded By Rep. Looysen

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ			REP. MOONEY		
VICE-CHAIRMAN HOFSTAD			REP. MUSCHA		
REP. ANDERSON			REP. OVERSEN		
REP. DAMSCHEN					
REP. FEHR					
REP. KIEFERT					
REP. LANING					
REP. LOOYSEN					
REP. PORTER					
REP. SILBERNAGEL					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

*Voice Vote
Motion Carried*

Date: 3-25-13
Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2085

House Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By

Rep. Porter

Seconded By

Rep. Silbernagel

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ			REP. MOONEY		
VICE-CHAIRMAN HOFSTAD			REP. MUSCHA		
REP. ANDERSON			REP. OVERSEN		
REP. DAMSCHEN					
REP. FEHR					
REP. KIEFERT					
REP. LANING					
REP. LOOYSEN					
REP. PORTER					
REP. SILBERNAGEL					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

See Attachment #1 Voice Vote

Motion Carried

Section 4. Emergency

Date: 3-25-13
Roll Call Vote #: 3

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2085

House Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 13,8699,02001

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Silbernagel Seconded By Rep. Anderson

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ	<input checked="" type="checkbox"/>		REP. MOONEY	<input checked="" type="checkbox"/>	
VICE-CHAIRMAN HOFSTAD	<input checked="" type="checkbox"/>		REP. MUSCHA	<input checked="" type="checkbox"/>	
REP. ANDERSON	<input checked="" type="checkbox"/>		REP. OVERSEN	<input checked="" type="checkbox"/>	
REP. DAMSCHEN	<input checked="" type="checkbox"/>				
REP. FEHR	<input checked="" type="checkbox"/>				
REP. KIEFERT	<input checked="" type="checkbox"/>				
REP. LANING	<input checked="" type="checkbox"/>				
REP. LOOYSEN	<input checked="" type="checkbox"/>				
REP. PORTER	<input checked="" type="checkbox"/>				
REP. SILBERNAGEL	<input checked="" type="checkbox"/>				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Muscha

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2085, as engrossed: Human Services Committee (Rep. Weisz, Chairman)
recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed SB 2085 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2085, as engrossed: Human Services Committee (Rep. Weisz, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2085
was placed on the Sixth order on the calendar.

Page 1, line 4, after "board" insert "; and to declare an emergency"

Page 6, after line 4, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency
measure."

Renumber accordingly

2013 TESTIMONY

SB 2085

Testimony
Senate Bill 2085-Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman
January 15, 2013

Chairman Lee, members of the Senate Human Services Committee, I am Jennifer Barry, the Early Childhood Services Administrator with the Department of Human Services (Department). I am here today in support of Senate Bill 2085, which was introduced at the request of the Department.

This bill is designed to accomplish multiple goals. The passage of this bill would revise the definition of "family child care," add a definition of "school-age children," update the regulation on smoking based on new state law regarding smoking in public places, and update the provision of the Early Childhood Services Advisory Board.

Section 1 of the bill revises the definition of "family child care." Currently, family child care providers are allowed to care for seven children, of which no more than three may be under the age of 24 months, plus two additional school-age children before and after school and all day when school is not in session during the regular school year. This bill would remove the limits on when family child care providers could care for the additional school-age children. It would also increase the capacity of licensed family providers to care for school-age children during the summer months when school is not in session and there is a need for safe care arrangements for school-age children with working parents. Section 1 of the bill also creates a definition of school-age children.

Section 2 of the bill provides necessary language to update the smoking prohibition so that the early childhood services law reflects the recent changes to state law regarding smoking in public places.

Section 3 of this bill is in regard to the Early Childhood Services Advisory Board. The board was created in 2009 by House Bill 1472 for the purpose of advising the Department through a review of the early childhood services rules. The board was given an effective date through June 30, 2013. The Department has found the advisement of the advisory board to add much value to the administrative rules process. This bill would remove the sunset date of N.D.C.C. § 50-11.1-15 and would update the provision of the Early Childhood Services Advisory board.

This concludes my testimony. I am happy to answer any questions you might have.

#1

Testimony
Engrossed Senate Bill 2085-Department of Human Services
House Human Services Committee
Representative Robin Weisz, Chairman
March 18, 2013

Chairman Weisz, members of the House Human Services Committee, I am Jennifer Barry, the Early Childhood Services Administrator with the Department of Human Services (Department). I am here today in support of Engrossed Senate Bill 2085, which was introduced at the request of the Department.

This bill is designed to accomplish multiple goals. The passage of this bill would revise the definition of "family child care," add a definition of "school-age children," update the regulation on smoking based on new state law regarding smoking in public places, and update the provision of the Early Childhood Services Advisory Board.

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Section 2 of the bill provides necessary language to update the smoking prohibition so that the early childhood services law reflects the recent changes to state law regarding smoking in public places.

Section 3 of this bill is in regard to the Early Childhood Services Advisory Board. The board was created in 2009 by House Bill 1472 for the purpose of advising the Department through a review of the early childhood services rules. The board was given an effective date through June 30, 2013. The Department has found the advisement of the advisory board to contribute much value to the administrative rules process. This bill would remove the sunset date of N.D.C.C. § 50-11.1-15 and would update the provision of the Early Childhood Services Advisory board. This section of the Engrossed Senate Bill includes an amendment adopted by the Senate to remove additional outdated language.

This concludes my testimony. I am happy to answer any questions you might have.

Page 5 immediately after line 30 insert:

Section 4: "Emergency. Sections 2 and 3 of this act are declared to be an emergency measure."