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Date

2003 HOUSE HUMAN SERVICES

HB 1249

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1249

House Human Services Committee

Conference Committee

Hearing Date January 21, 2003

Tape Number	Side A	Side B	Meter #
1	x		8.8 - 47.4
Committee Clerk Signature <i>Sharon Renshaw</i>			

Rep. Hawken appeared as prime sponsor and in support of the bill stating this will make sure we have the type of child care we want, that it is a positive spot for us to take our children. Believes the best interest of the children that are in day care, this bill does have liability and something that should be passed.

Concerns of the committee that the day care providers are opposing and wanted to know why.

Barb Arnold-Tengesdal, Executive Director for Voices for ND's Children appeared in support with written testimony stating this bill will increase the lines of communication between parents & child care providers.

Questions of the committee regarding the differences of a registered, licensed or unlicensed day care providers and what their qualifications or requirements are.

Coreen Bennett, Early Childhood Services, Dept. of Human Services appeared to answer questions of the committee, mainly with posting the notices and sending notices home.

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House Human Services Committee

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Concerns of the committee on procedure of what you would revoke for an unlicensed or kinship care and feelings of being too strict by putting permanently prohibited for a small conflict.

Questions with the courts and revocation, clarification on revocation reasons and the appeal process. Concerns with notices that need to be posted, letter of revocation and if receiving double notification.

Linda Reinicke, Program Director of Child Care Resource & Referral in Western ND, appeared in support with written testimony.

Kim Johnson, a parent appeared in support with written testimony.

Holly Net on behalf of Susan Leadbetter appeared in support with written testimony.

Courtney Kooble turned in supportive written testimony, but could not stay.

No opposition. Closed hearing.

Afternoon discussion: There was a question by the committee on whether to take out unlicensed, section 4, subsection 3.

Rep. Weisz stated that subsection 3 could just disappear as this only applies to unlicensed and he is not supportive of this.

Rep. Porter stated he was not clear on Section 3 on exactly what the dept. or Ms. Tengsdahl is trying to accomplish. Feels the dept. is acting as judge and jury and do we want to give the dept. that much power and doesn't want to send that kind of message.

Problems with Section 2 as to just being able to just post it somewhere local or visible for everyone to see it. Consensus was that the parents may be too busy trying to get to work, etc. and won't see it, a letter may be best and hand delivery.

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Rep. Weisz had his concerns with Section 3 with permanently prohibiting from operating a child care facility, feels the parents should be a little responsible for their kids and daycare.

Rep. Sandvig requested we get Coreen Bennett back to the committee to answer some more questions.

Coreen Bennett appeared to answer questions and submitted a graph of number of revocations.

Rep. Sandvig asked how many licenses have they revoked or suspended? Answer: Suspended - closed immediately (maybe 1 or 2 in the last year) We do those when there is child abuse and neglect investigation and is very serious from the onset, so we suspend until investigation is complete. Then look at the facts and make a decision to either lift the suspension or to revoke.

Rep. Weisz wanted to know if you revoke the license now, in 2 yrs they could get license again and wanted to know if they look at the offense again? Yes, we look at the violations that they had and ask for information that shows they have been rehabilitated or if they ever addressed those issues and then reassess it.

Rep. Porter was concerned of the mandate back to the Dept. in Section 4, #2 that puts the Dept. on notice to notify each parent, guardian or custodian that a license has been revoked and how would the Dept. handle it.

Rep. Pollert: page 3, # 2, concerned with 3 days being enough time, shouldn't it be 5 or 7 and if a facility has a revocation, is that provider given an incentive to comply with getting should of everyone or is there a severe penalty? Answer: 3 days, has a question on that. Penalty - doesn't now, they have no authority after they've been revoked.

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Further concerns of the committee on whether day care could operate until their license is revoked and if they could still appeal and problems with 3 day revocation notice and the 10 days to appeal.

Rep. Kreidt asked if the appeals were always heard within the 90 days. Answer being, typically within 60 to 90 days and they can operate until decision is made on revocation.

Rep. Devlin noted concerns with someone had licensed revoked and they could just turn around and open an unlicensed daycare.

Rep. Weisz had concerns with clearing up Section 2, line 14 with the intent to revoke the license and a certain period of time to appeal. Also concerns with why there was a duplication of notices, one from the Dept. and one from the provider.

Ms. Bennett stated that the revocation notices are public record. She doesn't know why there is a duplication, the Dept.'s notice is very generic.

Rep. Niemeier moved an amendment to remove # 3 under Section 4, page 3, lines 15 through 21, second by Rep. Potter.

Rep. Niemeier stated that process of filing a complaint is a good deal, notifying parents is a good thing because we can't count on the posted notice, which is also fine, but we can't count on that to notify parents because parents are car pooling, or Grandma takes them to the daycare, so written notice is important and the revocation notice to the parents is important. I just don't like the bullet 3 and if removed, the bill would be nice.

All in favor of amendment.

Rep. Weisz moved another amendment, page 2, line 7, 8, 9 & 10 up until the comma after child new language would say "the licensee shall post the correction order in a conspicuous location

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until the violation has been corrected" Page 3, line 12, leave 2. Deleting the rest of line 12 up until the comma after notice, "The Dept. shall notify in writing issuance of a notice of revocation second by Rep. Pollert.

Rep. Niemeier & Rep. Potter noted that they do not like the amendment of page 2, line 7.

Roll call vote of amendment. 5 - yes, 7 - no and 1 absent, Amendment failed.

Rep. Weisz moved the amendment on page 3, line 12 , second by Rep. Kreidt. All in favor say aye, 1 no vote, so had a recorded vote (11-1-1)

Rep. Potter moved a DO PASS as AMENDED, second by Rep. Niemeier. 11-1-1

Rep. Niemeier will carry the bill.

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