

# SENATE BILL REPORT

## SB 5172

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As Passed Senate, February 28, 2011

**Title:** An act relating to authorizing the use of short-term, on-site child care for the children of facility employees.

**Brief Description:** Authorizing the use of short-term, on-site child care for the children of facility employees.

**Sponsors:** Senators Brown, Harper, Baumgartner, Kohl-Welles, Keiser, McAuliffe and Kline.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/27/11, 2/10/11 [DP].  
Passed Senate: 2/28/11, 48-0.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Carrell, Harper and McAuliffe.

**Staff:** Jennifer Strus (786-7316)

**Background:** Any person, firm, partnership, association, corporation, or facility that provides child care outside a child's home must be licensed by the Department of Early Learning (DEL). The following are exempt from licensing requirements:

- a blood relative, step-parent or step-sibling; an adoptive parent or that parent's relatives or spouses of any of the persons listed;
- the child's legal guardian;
- persons who care for a neighbor's or friend's child, for less than 24 hours and the person does not provide the care on an on-going, regularly scheduled basis;
- parents on a mutually cooperative basis exchange care of one another's children;
- nursery schools or kindergartens engaged primarily in educational work with preschool children and in which no child is enrolled for more than four hours a day;
- schools, including boarding schools, engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;
- seasonal camps of three months or less engaged primarily in recreational or educational activities;

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- facilities providing child care for less than 24 hours and the child's parent remains on the premises to participate in activities other than employment;
- agencies that have been in business since 1957 and supported in part by an endowment or trust fund and which does not seek or accept assistance from any state or federal agency;
- an agency operated by local, state, or federal government or an agency located within the boundaries of a federally recognized Indian reservation;
- an agency located on a military base, unless the military authorities have requested that the agency be licensed by DEL; and
- an agency that offers early learning and support services and does not provide child care services on a regular basis.

**Summary of Bill:** A facility operated by a nonprofit entity which provides child care for less than 24 hours and the parent or legal guardian remains on the premises for employment of up to two hours a day is exempt from licensing requirements. To qualify for this exemption, the facility must also operate a licensed child care program in the same facility in another location or at another facility.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The Spokane YMCA provides licensed child care and also provides fitness classes. Currently the child care center that patrons of the Y use while they work out is not available to fitness instructors because they are getting paid for teaching a class and considered an employee. As a result, they must drop their children off at the licensed child care facility at the Y thus taking up a spot that someone else may need. This bill would allow people who teach classes at the Y to use the same facility for child care that patrons of the Y use.

OTHER: The purpose of the bill is to support parents. There are some concerns that the exemption in the bill would allow a child to be cared for in an unlicensed facility for a couple of hours and DEL has no oversight authority to make sure that the children are not in them for more than 2 hours. However, DEL does not have concerns about the bill.

**Persons Testifying:** PRO: Senator Brown, prime sponsor.

OTHER: Amy Blondin, DEL.