

**HOUSE BILL NO. 201**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE HANLEY**

**Introduced: 3/18/97**

**Referred: Health, Education and Social Services, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act transferring responsibility for the day care assistance program and the**  
2 **child care grant program from the Department of Community and Regional**  
3 **Affairs to the Department of Health and Social Services; and providing for an**  
4 **effective date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 **\* Section 1.** AS 47.35 is amended by adding new sections to read:

7 **Article 2. Day Care Assistance; Child Care Grants.**

8 **Sec. 47.35.910. Day care powers and duties.** (a) The department shall

9 (1) implement and administer a program to assist in providing day care  
10 for the children of low and moderate income families according to the requirements  
11 of AS 47.35.910 - 47.35.929;

12 (2) establish standards of eligibility for day care benefits;

13 (3) contract for the care of children of eligible families;

14 (4) establish procedures to periodically review the needs of families

1 receiving day care benefits;

2 (5) provide notification to the local government body of the request for  
3 a contract with a day care facility.

4 (b) The department may

5 (1) adopt regulations necessary for the performance of its duties under  
6 AS 47.35.910 - 47.35.929;

7 (2) contract with other entities to perform duties of the department  
8 under AS 47.35.910 - 47.35.929 within an area specified by the department; within an  
9 area, the department shall give higher priority to contracting with municipalities than  
10 with other organizations.

11 **Sec. 47.35.912. Administrative costs of program contractors.** To defray  
12 administrative expenses, a contractor under AS 47.35.910(b) may only retain \$1,000  
13 or 12 percent, whichever is greater, of the day care assistance program funds it  
14 receives from the department under the contract.

15 **Sec. 47.35.914. Conditions of receipt of benefits.** Benefits may be paid for  
16 the care of children of a low or moderate income family only if a parent or guardian,  
17 because of the day care, is freed to work or to seek work or to attend school. Benefits  
18 may not be paid for the care of children of a family where one parent or guardian is  
19 not working, actively seeking work, or attending school, and is physically and mentally  
20 capable of caring for the children.

21 **Sec. 47.35.916. Eligibility of families for benefits.** The department shall  
22 determine the eligibility of families for day care benefits on the basis of the following  
23 factors:

24 (1) income of the family including salary, alimony, child support,  
25 retirement benefits, social security, and any other source of income;

26 (2) number of children in the family; and

27 (3) whether there is one parent or guardian solely responsible for the  
28 care of the family.

29 **Sec. 47.35.918. Contributions by parent or guardian.** The department shall  
30 develop a sliding fee scale based on the factors listed in AS 47.35.916 for purposes of  
31 determining the amount to be contributed by the parent or guardian for child care. The

1 contribution of the parent or guardian shall be paid to the day care facility.

2 **Sec. 47.35.920. Placement; payment by state.** (a) Parents or guardians shall  
3 select the day care facility for the care of their children.

4 (b) Benefits shall be paid by the department directly to the municipality or  
5 organization contracting with the day care facility.

6 **Sec. 47.35.922. Child care grant program.** (a) A child care grant program  
7 is established in the department to provide state assistance in the operation of child  
8 care facilities. The department shall provide grants for the operation of child care  
9 facilities, including private nonprofit child care facilities. Participation in the program  
10 is optional.

11 (b) To qualify for a grant under (a) or (d) of this section, the child care facility  
12 must

13 (1) be currently licensed under AS 47.35.005 - 47.35.900 and  
14 applicable municipal licensing requirements;

15 (2) participate in the day care assistance program under AS 47.35.910 -  
16 47.35.929; and

17 (3) provide care under a payment system as provided in (g) of this  
18 section.

19 (c) A grant under (a) of this section may not exceed \$50 a month for each  
20 child the child care facility cares for, or for each full-time equivalent, as determined  
21 by the department. The grant shall be adjusted on a geographic basis by the same  
22 percentages as instructional unit allotments are adjusted under AS 14.17.051.

23 (d) In addition to the grants provided in (a) of this section, the department  
24 may, subject to appropriations for that purpose, provide by grant or contract for the  
25 education and training of child care employees or administrators. To receive a grant  
26 or contract under this subsection or to participate in a training program under this  
27 subsection, the child care facility must meet all the requirements of (b) of this section.

28 (e) An application for a grant under this section shall be made in the form  
29 established by the department.

30 (f) A grant under (a) of this section shall be made monthly or quarterly and  
31 shall be based on the monthly average daily full-time equivalent enrollment in the

1 child care facility. If the method of payment for the grant is other than monthly, it  
 2 shall be at the request of the child care facility with the approval of the department.  
 3 Based on criteria established by the department, the department may make quarterly  
 4 advance payments.

5 (g) Each child care facility receiving a grant under (a) or (d) of this section  
 6 shall assure that at least 15 percent or one of its child care spaces receiving subsidy  
 7 under this section, whichever is greater, will be made available, if requested, to  
 8 children eligible for day care assistance under AS 47.35.910 - 47.35.929, whose  
 9 parents or guardians wish to pay for care based on attendance only.

10 (h) The commissioner shall, in consultation with interested child care providers  
 11 and parents, adopt regulations to carry out the purposes of this section.

12 **Sec. 47.35.929. Definitions.** In AS 47.35.910 - 47.35.929,

13 (1) "child" means a person under 13 years of age, or a minor who has  
 14 a developmental disability;

15 (2) "child care facility" means an establishment licensed under  
 16 AS 47.35.005 - 47.35.900 including but not limited to day care centers, family day  
 17 care homes, and schools for preschool age children, which provides care for children  
 18 not related by blood, marriage, or legal adoption to the owner, operator, or manager  
 19 of the facility;

20 (3) "day care" means the care, supervision, and guidance of a child or  
 21 children unaccompanied by a parent or legal guardian on a regular basis for periods  
 22 of less than 24 hours a day;

23 (4) "day care facility" means a center or home licensed in accordance  
 24 with the provisions of AS 47.35.005 - 47.35.900 or recognized by the federal  
 25 government for the care of children;

26 (5) "department" means the Department of Health and Social Services;

27 (6) "developmental disability" means a disability under which a person  
 28 is incapable of self-care, as verified by a physician or licensed or certified psychologist  
 29 who has examined the person.

30 \* **Sec. 2.** AS 36.30.850(b)(11), as amended by sec. 24, ch. 107, SLA 1996, is amended to  
 31 read:

1 (11) agreements with providers of services under AS 47.35.910  
 2 [AS 44.47.250]; AS 47.07; AS 47.08; AS 47.10; AS 47.12; AS 47.14; AS 47.17;  
 3 AS 47.24; and AS 47.27, including contractors under AS 47.27.050;

4 \* **Sec. 3.** AS 47.05.030(a), as amended by sec. 34, ch. 107, SLA 1996, is amended to read:

5 **Sec. 47.05.030. Misuse of public assistance lists and records.** Except as  
 6 provided in (b) of this section and for purposes directly connected with the  
 7 administration of general assistance, adult public assistance, the day care assistance  
 8 program authorized under AS 47.35.910 - 47.35.929 [AS 44.47.250 - 44.47.310], or  
 9 the Alaska temporary assistance program and in accordance with the regulations of the  
 10 department, a person may not solicit, disclose, receive, make use of, or authorize,  
 11 knowingly permit, participate in, or acquiesce in the use of, a list of or names of, or  
 12 information concerning, persons applying for or receiving the assistance directly or  
 13 indirectly derived from the records, papers, files, or communications of the department  
 14 or subdivisions or agencies of the department, or acquired in the course of the  
 15 performance of official duties.

16 \* **Sec. 4.** AS 47.35.900 is amended to read:

17 **Sec. 47.35.900. Definitions.** In AS 47.35.005 - 47.35.900 [THIS CHAPTER],

18 (1) "administrator" means an individual who has general administrative  
 19 charge and oversight of a facility or agency;

20 (2) "agency" means a child placement agency;

21 (3) "child" means an individual under 18 years of age, and includes an  
 22 individual who is a relative of a care provider, administrator, or foster parent;

23 (4) "child care" means, care, supervision, and provision of  
 24 developmental opportunities, with or without compensation, to a child who does not  
 25 have a parent present;

26 (5) "child care facility" means a place where child care is regularly  
 27 provided for children under the age of 12 for periods of time that are less than 24  
 28 hours in duration unless nighttime care is authorized by the department;

29 (6) "child placement agency" means a person who arranges for  
 30 placement of a child

31 (A) in a foster home, residential child care facility, or adoptive

1 home; or

2 (B) for guardianship purposes;

3 (7) "department" means the Department of Health and Social Services;

4 (8) "facility" means the administration, program, and physical plant of  
5 a foster home, child care facility, residential child care facility, or maternity home;

6 (9) "foster home" means a place where the adult head of household  
7 provides 24-hour care on a continuing basis to one or more children who are apart  
8 from their parents;

9 (10) "home study" means a written report of an investigation of the  
10 prospective adoptive or foster parent or parents' ability to care for a child that has been  
11 prepared in accordance with AS 25.23.100(f);

12 (11) "licensee" means a person to whom a license has been issued  
13 under this chapter;

14 (12) "maternity home" means a place of residence whose primary  
15 function, with or without compensation, is to give care to pregnant individuals,  
16 regardless of age, before or after the individual gives birth, or that provides care, as  
17 needed, to mothers and their newborn infants;

18 (13) "nonsecure attendant care setting" means an unlocked place that  
19 is an alternative to an adult jail or other locked setting, where an employee, adult head  
20 of household, or volunteer provides care for one or more children 10 years of age or  
21 older who are under arrest and who are apart from their parents;

22 (14) "parent" means a birth or adoptive parent or a legal guardian;

23 (15) "recreational camp" means a place that provides recreational  
24 opportunities to children who attend with the consent of their parent;

25 (16) "relative" means an individual who is related to another through  
26 any of the following relationships, by blood, adoption, or marriage: parent,  
27 grandparent, great grandparent, brother, sister, stepparent, stepsister, stepbrother,  
28 cousin, aunt, uncle, great-aunt, great-uncle, or step-grandparent;

29 (17) "residential child care facility" means a place, staffed by  
30 employees, where one or more children who are apart from their parents receive 24-  
31 hour care on a continuing basis;

1 (18) "runaway minor" has the meaning given in AS 47.10.390;

2 (19) "shelter for runaway minors" or "shelter for runaways" means a  
3 private residence whose legal occupant agrees to shelter, with or without compensation,  
4 a runaway minor accepted into the residence, subject to the limitations imposed under  
5 this chapter and AS 47.10.392 - 47.10.399.

6 \* **Sec. 5.** AS 44.47.250, 44.47.260, 44.47.270, 44.47.280, 44.47.290, 44.47.300, 44.47.305,  
7 and 44.47.310 are repealed.

8 \* **Sec. 6.** TRANSITIONAL PROVISIONS. (a) Litigation, hearings, investigations, and  
9 other proceedings pending under a law repealed or amended by this Act, or in connection with  
10 functions transferred by this Act, continue in effect and may be completed notwithstanding  
11 a transfer or repeal provided for in this Act.

12 (b) Regulations in effect on June 30, 1997, that were adopted to implement a function  
13 that is transferred by this Act remain in effect and shall be enforced by the agency to which  
14 the function is transferred under this Act until amended by the agency to which the function  
15 is transferred.

16 (c) Wherever in Alaska Statutes affected by this Act there is a reference to regulations  
17 adopted under a section of law and there are no regulations adopted under that section because  
18 previous regulations adopted under another section are being enforced under (b) of this  
19 section, the reference shall be construed to refer to the previously adopted regulations until  
20 they are amended by the new agency.

21 (d) Contracts, rights, liabilities, and obligations created by or under a law repealed or  
22 amended by this Act, and in effect on June 30, 1997, remain in effect notwithstanding this  
23 Act's taking effect.

24 (e) Records, equipment, appropriations, and other property of an agency of the state  
25 whose functions are transferred under this Act shall be transferred to implement the provisions  
26 of this Act.

27 \* **Sec. 7.** This Act takes effect July 1, 1997.