

CS FOR HOUSE BILL NO. 40(FIN) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 5/7/99

Offered: 5/5/99

Sponsor(s): REPRESENTATIVES KOHRING, Cowdery, Austerman, Therriault, Harris, Mulder

A BILL

FOR AN ACT ENTITLED

**1 "An Act merging certain departments in the executive branch of state
2 government; changing the names of certain departments in the executive branch
3 of state government; transferring duties among departments and offices in the
4 executive branch of state government; providing that certain discretionary duties
5 formerly performed by the Department of Community and Regional Affairs are
6 mandatory in the department to which those duties are transferred; relating to
7 the licensing of child care facilities; relating to the division of vocational
8 rehabilitation; relating to the Alaska Human Resource Investment Council;
9 adjusting the membership of certain multi-member bodies; providing that a
10 certain commissioner may designate department employees to serve in the
11 commissioner's place on a board, council, or similar entity; providing for advice
12 to be given by a department head to the governor and other commissioners on**

1 the delivery of government services to rural areas and providing for
 2 recommendations to be made to the governor and other commissioners by that
 3 same commissioner about policy changes that would affect rural governments and
 4 rural affairs; relating to the federal community development quota program;
 5 eliminating references to the division of tourism; eliminating a reference to
 6 manpower training programs; eliminating references to the director and deputy
 7 director of international trade; eliminating the requirement for a local advisory
 8 committee for consideration of rural electrification loans; and providing for an
 9 effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 09.25.110(e) is amended to read:

12 (e) Notwithstanding other provisions of this section to the contrary, the Bureau
 13 of Vital Statistics **and** [,] the library archives in the Department of Education **and**
 14 **Child Development** [, AND THE DIVISION OF BANKING, SECURITIES, AND
 15 CORPORATIONS IN THE DEPARTMENT OF COMMERCE AND ECONOMIC
 16 DEVELOPMENT] may continue to charge the same fees that they **were** [ARE]
 17 charging on September 25, 1990, for performing record searches, and may increase the
 18 fees as necessary to recover agency expenses on the same basis that **was** [IS] used by
 19 the agency immediately before September 25, 1990. **Notwithstanding other**
 20 **provisions of this section to the contrary, the division of banking, securities, and**
 21 **corporations in the Department of Community and Economic Development may**
 22 **continue to charge the same fees that the former Department of Commerce and**
 23 **Economic Development was charging on the effective date of this bill section for**
 24 **performing record searches and may increase the fees as necessary to recover**
 25 **agency expenses on the same basis that was used by the former Department of**
 26 **Commerce and Economic Development immediately before the effective date of**
 27 **this bill section.**

28 * Sec. 2. AS 09.65.170(c)(2) is amended to read:

1 (2) "regional development organization" has the meaning given in
2 AS 44.33.895 [AS 44.47.900].

3 * **Sec. 3.** AS 11.61.195(a) is amended to read:

4 (a) A person commits the crime of misconduct involving weapons in the
5 second degree if the person knowingly

6 (1) possesses a firearm during the commission of an offense under
7 AS 11.71.010 - 11.71.040;

8 (2) violates AS 11.61.200(a)(1) and is within the grounds of or on a
9 parking lot immediately adjacent to

10 (A) a public or private preschool, elementary, junior high, or
11 secondary school without the permission of the chief administrative officer of
12 the school or district or the designee of the chief administrative officer; or

13 (B) a center, other than a private residence, licensed under
14 AS 14.37, AS 47.33, or AS 47.35 or recognized by the federal government for
15 the care of children; or

16 (3) discharges a firearm at or in the direction of

17 (A) a building with reckless disregard for a risk of physical
18 injury to a person; or

19 (B) a dwelling.

20 * **Sec. 4.** AS 11.61.220(a) is amended to read:

21 (a) A person commits the crime of misconduct involving weapons in the fifth
22 degree if the person

23 (1) knowingly possesses a deadly weapon, other than an ordinary
24 pocket knife or a defensive weapon, that is concealed on the person;

25 (2) knowingly possesses a loaded firearm on the person in any place
26 where intoxicating liquor is sold for consumption on the premises;

27 (3) being an unemancipated minor under 16 years of age, possesses a
28 firearm without the consent of a parent or guardian of the minor;

29 (4) knowingly possesses a firearm

30 (A) within the grounds of or on a parking lot immediately
31 adjacent to a center, other than a private residence, licensed under AS 14.37,

1 AS 47.33, or AS 47.35 or recognized by the federal government for the care
2 of children; or

3 (B) within a

4 (i) courtroom or office of the Alaska Court System; or

5 (ii) courthouse that is occupied only by the Alaska Court
6 System and other justice-related agencies;

7 (C) within a domestic violence or sexual assault shelter that
8 receives funding from the state; or

9 (5) possesses or transports a switchblade or a gravity knife.

10 * **Sec. 5.** AS 14.20.165 is amended to read:

11 **Sec. 14.20.165. Restoration of tenure rights.** A teacher who held tenure
12 rights and who was retired due to disability under AS 14.25.130, but whose disability
13 (1) has been removed, and the removal of that disability is certified by a competent
14 physician following a physical or mental examination, or (2) has been compensated for
15 by rehabilitation or other appropriate restorative education or training, and that
16 rehabilitation or restoration to health has been certified by the division of vocational
17 rehabilitation of the **Department of Labor and Workforce Development**
18 [DEPARTMENT], shall be restored to full tenure rights in the district from which the
19 teacher was retired, at such time as an opening for which the teacher is qualified
20 becomes available.

21 * **Sec. 6.** AS 14.35.020(b) is amended to read:

22 (b) When required by any of the Acts described in AS 14.35.010, the board
23 shall

24 (1) prepare, submit, and supervise the administration of the plans for
25 vocational education [AND VOCATIONAL REHABILITATION];

26 (2) select a state director of vocational education;

27 (3) establish the minimum qualifications for teachers, supervisors, or
28 directors;

29 (4) determine the prorated basis on which money shall be available for
30 the salary and necessary travel expenses of the state director of vocational education;

31 (5) consider the advice of the Alaska Human Resource Investment

1 Council established by AS 23.15.550 [AS 44.19.620] regarding employment training
 2 needs and advise that council in the development of vocational education programs.

3 * **Sec. 7.** AS 14 is amended by adding a new chapter to read:

4 **Chapter 37. Licensure of Child Care Facilities.**

5 **Sec. 14.37.005. Purpose; applicability.** (a) The purpose of this chapter is
 6 to establish and maintain standard levels for services offered to children in child care
 7 facilities. The legislature recognizes the responsibility of parents to select and monitor
 8 caregivers for their children in order to ensure a reasonably safe and developmentally
 9 appropriate child care environment. The child care licensing procedures in this chapter
 10 are intended to reduce predictable risk of harm to children and to provide support
 11 services to those providing child care services.

12 (b) This chapter and regulations adopted under this chapter apply to facilities

13 (1) for which licensure is required by or under AS 14.37.015; or

14 (2) that are exempt under AS 14.37.015 from licensure but for which
 15 a license is issued under AS 14.37.015(c).

16 **Sec. 14.37.010. Powers of department.** (a) The department may

17 (1) license and supervise child care facilities;

18 (2) investigate applicants, licensees, and persons that the department
 19 reasonably believes are operating a facility without a license or certification in
 20 violation of this chapter;

21 (3) adopt regulations to implement the provisions of this chapter,
 22 including regulations establishing certification and licensure procedures, standards, and
 23 fees; establishing requirements for operation of facilities licensed under this chapter;
 24 and distinguishing between types of child care facilities;

25 (4) enter into agreements with private entities, municipalities, or
 26 individuals to investigate and make recommendations to the department for the
 27 licensing and supervision of child care facilities under procedures and standards of
 28 operation established by the department.

29 (b) The department shall, within 90 days after receiving a written request that
 30 it do so, delegate its powers relating to child care facilities under this chapter to a
 31 municipality that has adopted an ordinance providing for child care licensing under

1 home rule powers under AS 29.10.010 or as authorized under AS 29.35.200 -
 2 29.35.210. A municipality to which these powers have been delegated may adopt, by
 3 ordinance, additional requirements for child care facilities operating within its
 4 boundaries if the requirements meet or exceed the requirements adopted by the
 5 department.

6 **Sec. 14.37.015. License required; exemptions.** (a) A person may not operate
 7 a child care facility without a license issued under this chapter unless that facility is
 8 exempt from licensure. The following facilities are exempt:

9 (1) a facility in which child care is regularly provided and each child's
 10 parent is on the premises within reasonable proximity and accessibility to the child;

11 (2) a facility located on a United States Department of Defense or
 12 United States Coast Guard installation that is located on federal property;

13 (3) a recreational program that children are allowed to attend and in
 14 which the program assumes no responsibility for care of the children;

15 (4) a daytime therapeutic program of supervised, educational, and
 16 rehabilitative services for children with special needs or behavioral problems;

17 (5) a program that is primarily educational and that

18 (A) is certified as a pre-elementary school under department
 19 regulations adopted under AS 14.07.020;

20 (B) serves children three years of age or older and is exempt
 21 from the department pre-elementary school regulations; or

22 (C) is operated as a headstart preschool that is required to meet
 23 the standards established under 42 U.S.C. 9836a;

24 (6) a temporary facility providing care for less than five continuous
 25 weeks;

26 (7) a facility regularly providing child care to four or fewer children
 27 unrelated to the caregiver;

28 (8) a facility in which the caregiver is a relative of all of the children.

29 (b) In addition to facilities that, under this section, are exempt from licensure,
 30 the department, by regulation, may provide for additional exemptions that the
 31 department considers appropriate.

1 (c) A person may apply for a license for a facility that is exempt from
2 licensure under this section. The department may issue a license to an applicant under
3 this subsection if the applicant meets the requirements of this chapter and regulations
4 adopted under this chapter.

5 **Sec. 14.37.017. Application for license.** (a) Application for a license to
6 operate a child care facility must be made to the department on a form provided by
7 the department and must be accompanied by all applicable fees established by the
8 department under AS 14.37.010(a)(3).

9 (b) An application submitted under this section must contain at least the
10 following information:

11 (1) the name and address of the applicant and, if the applicant is a
12 corporation, partnership, association, or another form of organization, the name,
13 address, and title of each individual who has an ownership or management interest in
14 the facility; if the applicant is an individual, the application must include the name,
15 age, and driver's license number, if any, of each member of the individual's
16 household;

17 (2) the name, physical location, and mailing address of the facility for
18 which the license is sought;

19 (3) the name and address of the administrator of the facility, if any;

20 (4) evidence that the administrator is an adult with sufficient
21 experience, training, or education to fulfill the duties of an administrator;

22 (5) a release for the administrator and for each other person who is 16
23 years of age or older, as specified by the department by regulation, who will have
24 contact with individuals served by the facility authorizing the department to review all
25 federal, state, and municipal criminal justice information, whether of this state, of a
26 municipality of this state, or of another jurisdiction, medical records, licensing records,
27 and protective services records, identified in regulations adopted under this chapter,
28 that are relevant to the person who is the subject of the release;

29 (6) the number of individuals that will be served in the facility;

30 (7) the type of facility for which the license is sought;

31 (8) copies of all inspection reports and approvals required by state fire

1 prevention and environmental health and safety authorities for operation of the facility,
2 including any variances granted by these authorities;

3 (9) a plan of operation, as required by the department by regulation;

4 (10) a staffing plan that describes the number of people who will work
5 at the facility, staff qualifications, a description of each person's responsibilities, and
6 a supervision schedule for the children in care that meets the requirements established
7 by the department by regulation;

8 (11) evidence that the applicant has completed orientation or training
9 required by the department by regulation; and

10 (12) other information required by the department, by regulation, in
11 order to monitor compliance with this chapter and regulations adopted under this
12 chapter.

13 **Sec. 14.37.020. Provisional license; biennial license.** (a) The department
14 shall issue a provisional license to a new facility that applies under AS 14.37.017 if,
15 after inspection and investigation, the department determines that the application and
16 plan of operation for the facility meet the requirements of this chapter and regulations
17 adopted under this chapter. A provisional license is valid for a period not to exceed
18 one year. The department may extend a provisional license for one additional period
19 not to exceed one year.

20 (b) Before expiration of a provisional license issued under (a) of this section,
21 the department shall inspect and investigate the facility in order to determine whether
22 the facility is operating under the provisional license in compliance with this chapter
23 and applicable regulations.

24 (c) Before expiration of a provisional license, the department shall issue a
25 biennial license for the facility if (1) after inspection and investigation under (b) of this
26 section, the department finds that the facility is operating in compliance with and
27 meets the licensure requirements of this chapter and regulations adopted under this
28 chapter; (2) none of the grounds for revocation set out in AS 14.37.130(a)(2) exist; and
29 (3) all applicable fees have been paid. The department shall prepare a summary report
30 of its findings and recommendations for issuance of a biennial license.

31 (d) The issuance of a license by the department does not obligate the

1 department to support the facility financially.

2 **Sec. 14.37.025. Denial of license; right to appeal.** (a) If the department
3 denies an application for a license or decides not to issue a biennial license, the
4 department shall hand deliver to the prospective licensee, or mail to the prospective
5 licensee by certified mail, return receipt requested, a notice of denial of licensure. The
6 notice must contain a summary of the department's reasons for denial of the license
7 and a form for requesting a hearing under (b) of this section.

8 (b) A prospective licensee who was denied licensure may appeal the
9 department's decision by requesting a hearing, on the form provided by the
10 department, within 15 days after receipt of the notice of denial of licensure.

11 **Sec. 14.37.027. Variances.** (a) The department may grant to an applicant for
12 a license under this chapter, or to a licensee, a variance from a requirement of this
13 chapter or a regulation adopted under this chapter if that person submits to the
14 department, on a form provided by the department, a complete variance request as
15 required by this section. A variance may be granted if

16 (1) the applicant or licensee proposes an alternative means, acceptable
17 to the department, to satisfy the intent of the requirement for which the variance is
18 requested; and

19 (2) the health and safety of children is adequately protected.

20 (b) A request for a variance must contain the following information:

21 (1) the statute or regulation from which the variance is sought;

22 (2) the reasons why the variance is needed;

23 (3) the period of time for which the variance is requested;

24 (4) the proposed alternative means of satisfying the intent of the
25 requirement for which the variance is requested;

26 (5) a statement as to how the health and safety of children will be
27 protected during the period of the variance; and

28 (6) assurance that the conditions of the facility do not present an
29 imminent danger to the health or safety of individuals served by the facility.

30 (c) To evaluate a request for a variance, the department shall take one or more
31 of the following actions:

1 (1) investigate the statements in the request;
 2 (2) inspect the facility;
 3 (3) schedule a conference with the applicant or licensee regarding the
 4 variance request.

5 (d) The department's decision approving or denying a variance must be in
 6 writing, and the department shall provide a copy of the decision to the person
 7 requesting the variance. If the department grants the variance, the decision must state
 8 the term of and conditions of the variance.

9 (e) If an applicant or licensee violates a condition of a variance granted under
 10 this section, the variance is terminated.

11 **Sec. 14.37.029. Content of license; posting.** (a) A license issued under this
 12 chapter must state

13 (1) the period of time during which the license is in effect;
 14 (2) the name of the facility;
 15 (3) the type of facility;
 16 (4) the name of the licensee;
 17 (5) the location and mailing address of the facility;
 18 (6) the number and age range of children that the facility may have in
 19 care at any time;
 20 (7) all conditions set by the department;
 21 (8) variances approved by the department for the duration of the
 22 license; and
 23 (9) the address and phone number of the nearest department office that
 24 is responsible for administering this chapter or of the department representative
 25 responsible for evaluating that facility under AS 14.37.010(a)(4).

26 (b) A licensee shall post the license in a conspicuous place in the facility,
 27 visible to individuals in care and their families and to facility staff. If the department
 28 has approved a variance that is not stated on the license, the licensee shall post a copy
 29 of the variance near the license.

30 **Sec. 14.37.033. Licenses not transferable.** A license may be issued under
 31 this chapter only for the location and person named in the application. A license

1 issued under this chapter may not be transferred to another person or location.

2 **Sec. 14.37.037. Orientation and training.** The department, by regulation,
3 may require that an applicant or licensee complete orientation or training to assist that
4 person in operating under the license.

5 **Sec. 14.37.039. Records required.** (a) In accordance with regulations
6 adopted by the department, a licensee shall keep the records regarding each individual
7 in its care that are necessary to show compliance with this chapter and regulations
8 adopted under this chapter.

9 (b) The department's licensing records, with the names of all individuals in
10 care and parents of minors in care deleted to protect the confidentiality of those
11 individuals, are available for public inspection, except for

12 (1) material made confidential by state or federal statutes or regulations;

13 (2) material that is part of an uncompleted licensing or complaint
14 investigation;

15 (3) records that would deprive an applicant, licensee, or other person
16 of a fair and impartial hearing; and

17 (4) records for which the department determines that disclosure would
18 constitute an unwarranted invasion of personal privacy.

19 (c) A government agency that provides funding to a facility licensed under this
20 chapter may have access to that facility's records in order to conduct an audit.

21 **Sec. 14.37.043. Monitoring; investigation.** (a) By the first anniversary of
22 the effective date of a biennial license, including a renewed biennial license, the
23 licensee shall submit an annual self-monitoring report to the department. The
24 department shall specify, by regulation, the contents of the report.

25 (b) To encourage parents of children in child care facilities to become involved
26 in day-to-day monitoring of the care provided by the facilities, the department shall
27 require licensees to give to parents of children in child care in the licensee's facility
28 a summary of the regulatory requirements that apply to the facility and the
29 department's or department representative's telephone contact number for reporting a
30 concern regarding child care. The department also may provide notice of the
31 telephone contact numbers for reporting child care concerns.

1 (c) The department may conduct an investigation, including announced or
2 unannounced on-site inspections, for ongoing monitoring or to assist in its review of
3 an annual self-monitoring report.

4 **Sec. 14.37.045. Biennial license renewal.** (a) At least 90 days before the
5 expiration date of a biennial license, a licensee who wishes to remain licensed shall
6 submit, on a form provided by the department, an application for renewal of the
7 license and any associated variances.

8 (b) Before expiration of a biennial license, the department or its representative
9 shall inspect a facility that is the subject of a renewal application.

10 (c) The department shall renew a biennial license if the department finds that

11 (1) the licensee

12 (A) either is in compliance with this chapter and regulations
13 adopted under this chapter or is substantially in compliance and has
14 implemented a plan of correction, approved by the department, that is designed
15 to bring the facility into full compliance; and

16 (B) has maintained the facility in good repair and is in
17 compliance with all state fire safety and environmental health and safety code
18 requirements;

19 (2) the ground for revocation set out in AS 14.37.130(a)(2) does not
20 exist; and

21 (3) all applicable fees have been paid.

22 (d) If the licensee submits a renewal application within the time period
23 required by the department by regulation, but the department is unable to complete its
24 review before the expiration date of the biennial license, the license is automatically
25 extended for six months or until the department completes its review and either
26 approves or denies the application, whichever occurs first.

27 (e) If the department decides to approve an application for renewal, but finds
28 that the applicant is not in compliance with a provision of this chapter, a regulation
29 adopted under this chapter, or a condition on the license, the department, as a
30 condition on the renewed biennial license, shall require the applicant to correct any
31 violations and provide the department with verification of compliance.

1 (f) If the department denies an application for renewal, it shall provide the
2 applicant with a notice of denial of application. The notice must contain a written
3 statement of the reasons for denial and a form for requesting a hearing under (g) of
4 this section.

5 (g) An applicant whose application is denied may appeal the department's
6 decision, on the form provided by the department, by requesting a hearing within 15
7 days after receipt of the notice of denial of application.

8 **Sec. 14.37.047. Notice of changes.** (a) A licensee shall provide the
9 department with written notice of a change of mailing address at least 14 days before
10 the effective date of the change.

11 (b) A licensee shall notify the department within 24 hours after having
12 knowledge of a conviction or indictment, presentment, or charging by information or
13 complaint of an administrator, regular volunteer, staff person, or member of the
14 licensee's household for a violation of the following laws or the laws of another
15 jurisdiction with similar elements:

16 (1) offenses against the family and vulnerable adults under AS 11.51;

17 (2) perjury under AS 11.56.200;

18 (3) offenses included in the definition of "serious offense" under
19 AS 12.62.900.

20 (c) A licensee shall notify the department at least 20 days before the effective
21 date of a decision to relinquish the license.

22 (d) A licensee shall notify the department at least 20 days before the date on
23 which the licensee wishes to change the number of children in care or hours of
24 operation.

25 (e) A licensee shall notify the department no later than one day after signing
26 a contract for sale of the licensed facility.

27 (f) A licensee shall notify the department at least 30 days before the licensee
28 wishes to change the location of the facility.

29 **Sec. 14.37.105. Complaints.** (a) A person who believes that a provision of
30 this chapter, a regulation adopted under this chapter, or a condition of a license issued
31 under this chapter has been violated may file a verbal or written complaint with the

1 department.

2 (b) The department shall investigate all complaints filed under this section
3 unless the department reasonably concludes that the complaint is without merit.

4 (c) After an investigation under this section, the department shall prepare a
5 written report of investigation and shall mail a copy to the licensee or other person
6 who is the subject of the complaint, and to the complainant if requested. If the
7 department determines that a violation of this chapter, a regulation adopted under this
8 chapter, or a condition of a license issued under this chapter has occurred, the
9 department's report of investigation must contain the following:

10 (1) a description of the violation;

11 (2) a citation to the provision of this chapter or the regulation that has
12 been violated, if applicable; and

13 (3) either

14 (A) a date by which the violation must be corrected and a
15 verification of compliance submitted to the department; or

16 (B) a plan of correction.

17 (d) A licensee may submit to the department a written response regarding a
18 report of investigation relating to that facility. The department shall retain the written
19 response in the licensing file.

20 (e) A licensee may not take retaliatory action against a person who files a
21 complaint. A complainant against whom retaliatory action has been taken may recover
22 treble damages in a civil action upon a showing that the action was taken in retaliation
23 for the filing of a complaint.

24 **Sec. 14.37.110. Investigations; search warrants.** (a) An applicant for a
25 license, or a licensee, shall cooperate with the department for purposes of licensing
26 investigations, investigations relating to ongoing monitoring of the facility, or
27 investigations under AS 14.37.105 by

28 (1) permitting representatives of the department to inspect the facility,
29 review records, interview staff, and interview individuals in care; and

30 (2) providing to the department information and documentation
31 requested by the department to determine compliance with this chapter and regulations

1 adopted under this chapter.

2 (b) Following an investigation relating to ongoing monitoring of a facility or
3 relating to a facility that the department believes is operating without a license in
4 violation of this chapter, the department shall prepare and distribute a written report
5 of investigation as described in AS 14.37.105(c), and the facility may submit a
6 response as described in AS 14.37.105(d).

7 (c) The department may seek a search warrant to inspect a facility if

8 (1) the department has probable cause to believe that the facility is
9 operating without a license in violation of this chapter and the facility operator refuses
10 to allow an inspection by the department; or

11 (2) the licensee refuses to allow an inspection of the facility by the
12 department.

13 **Sec. 14.37.120. Enforcement actions.** (a) During an investigation under this
14 chapter, the department may, by written notice, suspend operations of the facility if the
15 department has reasonable cause to believe that a violation is occurring that presents
16 an imminent danger to the health or safety of the individuals in care. A suspension
17 under this subsection continues for the time period set by the department and may
18 continue until the department issues a report of investigation under AS 14.37.105(c)
19 or 14.37.110(b).

20 (b) If, after an investigation under this chapter, the department has determined
21 that a violation of this chapter or a regulation adopted under this chapter has occurred
22 or a ground for revocation or nonrenewal set out in AS 14.37.130 exists, has issued
23 a report of investigation under AS 14.37.105(c) or 14.37.110(b), and has determined
24 that voluntary compliance or a plan of correction is not appropriate, the department
25 may take one or more of the following enforcement actions as the department
26 considers appropriate:

27 (1) delivery of a warning notice to the licensee or other person who is
28 the subject of the investigation;

29 (2) modification of the term of an existing license or reduction of the
30 number of children for whom care can be provided;

31 (3) suspension of operations of the facility for a period of time set by

1 the department;

2 (4) suspension of new enrollment in the facility for a period of time set
3 by the department;

4 (5) nonrenewal of the license;

5 (6) revocation of the license;

6 (7) issuance of an order requiring immediate closure of the facility;

7 (8) assessment of an administrative fine of up to \$500 for each day a
8 violation continues, not to exceed a total of \$5,000 for a violation.

9 (c) The department shall provide the licensee or other person who is the
10 subject of an investigation with written notice of the department's decision under (b)
11 of this section to take enforcement action. The notice must contain a form for
12 requesting a hearing under (d) of this section and must describe

13 (1) the condition, if any, in the facility that constitutes a violation of
14 this chapter or a regulation adopted under this chapter;

15 (2) each enforcement action that will be taken;

16 (3) the licensee's or other person's right to appeal the department's
17 decision to take an enforcement action described in (b)(2) - (8) of this section.

18 (d) A licensee or other person to whom a notice has been provided under (a)
19 or (c) of this section may appeal the department's decision to impose an enforcement
20 action described in (a) or (b)(2) - (8) of this section by filing a written request for a
21 hearing, on the form provided by the department, within 15 days after receipt of the
22 notice of enforcement action.

23 (e) Unless the violation that prompted enforcement action under (b) of this
24 section presents an imminent danger to the health or safety of the individuals in care,
25 an enforcement action described in a notice provided under (c) of this section may not
26 be imposed until

27 (1) the time period for requesting a hearing under (d) of this section has
28 passed without a hearing being requested; or

29 (2) the department makes a final decision following a hearing requested
30 under (d) of this section.

31 (f) If a hearing is requested under (d) of this section, the department's decision

1 following the hearing is a final administrative order.

2 (g) If a hearing is not requested under (d) of this section, the department's
3 notice of enforcement action constitutes a final administrative order, which the
4 department may seek the court's assistance in enforcing.

5 (h) A licensee whose license was revoked or not renewed under this section
6 may not reapply for licensure under this chapter until after the time period, if any, set
7 by the department in its final administrative order. If a time period is not set by the
8 department, the revocation or nonrenewal is permanent, and the former licensee may
9 not again apply for licensure under this chapter.

10 (i) Assessment of an administrative fine under this section does not preclude
11 imposition of a criminal penalty under AS 14.37.820.

12 **Sec. 14.37.130. Grounds for license revocation or nonrenewal.** (a) In
13 addition to the ground of violation of this chapter or a regulation adopted under this
14 chapter, the department may revoke or decline to renew a license issued under this
15 chapter on one or more of the following grounds:

16 (1) failure to submit a timely and complete renewal application;

17 (2) the indictment or charging by information or complaint, or a
18 criminal conviction within the last 10 years, of the licensee or administrator, member
19 of the licensee's household who is present in the facility at any time the facility is in
20 operation, regular volunteer, or staff person for

21 (A) a felony;

22 (B) a misdemeanor crime of assault, reckless endangerment,
23 contributing to the delinquency of a minor, or misconduct involving a
24 controlled substance; or

25 (C) the crime of perjury, as defined in AS 11 or the laws of
26 another jurisdiction;

27 (3) the conviction, indictment, presentment, or charging of the licensee
28 or an administrator, member of the licensee's household who is present in the facility
29 at any time the facility is in operation, regular volunteer, or staff person at any time
30 for a violation or attempted violation of an offense included in the definitions of
31 "serious offense" under AS 12.62.900;

1 (4) obtaining or attempting to obtain or retain a license under this
2 chapter by fraudulent means, misrepresentation, or by submitting false information;

3 (5) failure to correct a violation noted in a report of investigation
4 provided under AS 14.37.105(c) or 14.37.110(b);

5 (6) failure to comply with a final administrative order issued by the
6 department under AS 14.37.120.

7 (b) A licensee may voluntarily relinquish the license or withdraw an
8 application for renewal.

9 **Sec. 14.37.800. Administrative procedure.** The administrative adjudication
10 provisions of AS 44.62 (Administrative Procedure Act) apply to an appeal from a
11 department decision under this chapter relating to denial, involuntary conditioning, or
12 revocation of a license, suspension of operations or admissions, or assessment of an
13 administrative fine.

14 **Sec. 14.37.810. Immunity from liability.** (a) A person operating under
15 agreement with the department under AS 14.37.010(a)(4) is immune from civil liability
16 that might otherwise be incurred or imposed for acts or omissions that occurred during
17 the performance of the person's duties on behalf of the department if the person was
18 operating within the scope of the duties delegated to the person under the agreement.

19 (b) The department and its employees are not liable for civil damages as a
20 result of an act or omission in the licensing, monitoring, or supervision of a facility
21 licensed under this chapter. This subsection does not preclude liability for civil
22 damages as a result of gross negligence or reckless or intentional misconduct.

23 **Sec. 14.37.820. Penalty.** A person who violates a provision of this chapter
24 or a regulation adopted under this chapter is guilty of a class B misdemeanor.

25 **Sec. 14.37.900. Definitions.** In this chapter,

26 (1) "administrator" means an individual who has general administrative
27 charge and oversight of a facility;

28 (2) "child" means an individual under 18 years of age, and includes an
29 individual who is a relative of a care provider or administrator;

30 (3) "child care" means, care, supervision, and provision of
31 developmental opportunities, with or without compensation, to a child who does not

1 have a parent present;

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

5 (5) "criminal justice information" has the meaning given in
6 AS 12.62.900;

7 (6) "department" means the Department of Education and Child
8 Development;

9 (7) "facility" means the administration, program, and physical plant of
10 a child care facility;

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

13 (9) "parent" means a birth or adoptive parent or a legal guardian;

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

18 (11) "serious offense" has the meaning given in AS 12.62.900.

19 * **Sec. 8.** AS 14 is amended by adding a new chapter to read:

20 **Chapter 38. Head Start, Child Care, and Day Care.**

21 **Article 1. Head Start.**

22 **Sec. 14.38.010. Operation of Head Start programs.** The Department of
23 Education and Child Development shall operate the head start funding program
24 governed by 42 U.S.C. 9835.

25 **Article 2. Day Care Assistance.**

26 **Sec. 14.38.100. Powers and duties.** (a) The department shall

27 (1) implement and administer a program to assist in providing day care
28 for the children of low and moderate income families according to the requirements
29 of AS 14.38.100 - 14.38.199;

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

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

1 (4) establish procedures to periodically review the needs of families
2 receiving day care benefits;

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

5 (b) The department may

6 (1) adopt regulations necessary for the performance of its duties under
7 AS 14.38.100 - 14.38.199;

8 (2) contract with other entities to perform duties of the department
9 under AS 14.38.100 - 14.38.199 within an area specified by the department; within an
10 area, the department shall give higher priority to contracting with municipalities than
11 with other organizations.

12 **Sec. 14.38.110. Administrative costs of program contractors.** To defray
13 administrative expenses, a contractor under AS 14.38.100(b) may only retain \$1,000
14 or 12 percent, whichever is greater, of the day care assistance program funds it
15 receives from the department under the contract.

16 **Sec. 14.38.120. Conditions of receipt of benefits.** Benefits may be paid for
17 the care of children of a low or moderate income family only if a parent or guardian,
18 because of the day care, is freed to work or to seek work or to attend school. Benefits
19 may not be paid for the care of children of a family where one parent or guardian is
20 not working, actively seeking work, or attending school and is physically and mentally
21 capable of caring for the children.

22 **Sec. 14.38.130. Eligibility of families for benefits.** The department shall
23 determine the eligibility of families for day care benefits on the basis of the following
24 factors:

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

27 (2) number of children in the family;

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

30 **Sec. 14.38.140. Contributions by parent or guardian.** The department shall
31 develop a sliding fee scale based on the factors listed in AS 14.38.130 for purposes of

1 determining the amount to be contributed by the parent or guardian for child care. The
 2 contribution of the parent or guardian shall be paid to the day care facility.

3 **Sec. 14.38.150. Placement; payment by state.** (a) Parents or guardians shall
 4 select the day care facility for the care of their children.

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

7 **Article 3. Child Care Grants.**

8 **Sec. 14.38.160. Child care grant program.** (a) A child care grant program
 9 is established in the department to provide state assistance in the operation of child
 10 care facilities. The department shall provide grants for the operation of child care
 11 facilities, including private nonprofit child care facilities. Participation in the program
 12 is optional.

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

15 (1) be currently licensed under AS 47.35 and applicable municipal
 16 licensing requirements;

17 (2) participate in the day care assistance program under AS 14.38.100 -
 18 14.38.199; and

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

21 (c) A grant under (a) of this section may not exceed \$50 per month for each
 22 child the child care facility cares for, or for each full-time equivalent, as determined
 23 by the department. The grant shall be adjusted on a geographic basis by the same
 24 factor as funding for a school district is adjusted under AS 14.17.460.

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

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

1 (f) A grant under (a) of this section shall be made monthly or quarterly and
 2 shall be based on the monthly average daily full-time equivalent enrollment in the
 3 child care facility. If the method of payment for the grant is other than monthly, it
 4 shall be at the request of the child care facility with the approval of the department.
 5 Based on criteria established by the department, the department may make quarterly
 6 advance payments.

7 (g) Each child care facility receiving a grant under (a) or (d) of this section
 8 shall assure that at least 15 percent or one of its child care spaces receiving subsidy
 9 under this section, whichever is greater, will be made available, if requested, to
 10 children eligible for day care assistance under AS 14.38.100 - 14.38.199, whose
 11 parents or guardians wish to pay for care based on attendance only.

12 (h) The State Board of Education shall, in consultation with interested child
 13 care providers and parents, adopt regulations to carry out the purposes of this section.

14 **Sec. 14.38.199. Definitions.** In AS 14.38.100 - 14.38.199,

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

17 (2) "child care facility" means an establishment licensed under
 18 AS 47.35 including but not limited to day care centers, family day care homes, and
 19 schools for preschool age children, which provides care for children not related by
 20 blood, marriage, or legal adoption to the owner, operator, or manager of the facility;

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

24 (4) "day care facility" means a center or home licensed in accordance
 25 with the provisions of AS 47.35 or recognized by the federal government for the care
 26 of children;

27 (5) "department" means the Department of Education and Child
 28 Development;

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

1 * **Sec. 9.** AS 14.38.160(b) is amended to read:

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

4 (1) be currently licensed under AS 14.37 [AS 47.35] and applicable
5 municipal licensing requirements;

6 (2) participate in the day care assistance program under AS 14.38.100 -
7 14.38.199; and

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

10 * **Sec. 10.** AS 14.38.199(2) is amended to read:

11 (2) "child care facility" means an establishment licensed under
12 AS 14.37 [AS 47.35] including but not limited to day care centers, family day care
13 homes, and schools for preschool age children, which provides care for children not
14 related by blood, marriage, or legal adoption to the owner, operator, or manager of the
15 facility;

16 * **Sec. 11.** AS 14.38.199(4) is amended to read:

17 (4) "day care facility" means a center or home licensed in accordance
18 with the provisions of AS 14.37 [AS 47.35] or recognized by the federal government
19 for the care of children;

20 * **Sec. 12.** AS 14.42.015(a) is amended to read:

21 (a) There is in the Department of Education and Child Development the
22 Alaska Commission on Postsecondary Education consisting of

23 (1) two members of the Board of Regents of the University of Alaska
24 designated by the members of that body;

25 (2) one person representing private higher education in the state
26 selected jointly by the Boards of Trustees of Alaska Pacific University and Sheldon
27 Jackson College from among their membership;

28 (3) one person representing the Department of Education and Child
29 Development selected by the state Board of Education;

30 (4) four persons broadly and equitably representative of the general
31 public appointed by the governor;

1 (5) one member of the Alaska Human Resource Investment Council
2 established by AS 23.15.550 [AS 44.19.620] designated by the members of that body;

3 (6) one person from the members of the local community college
4 advisory councils appointed by the governor;

5 (7) two members from the legislature, one of whom shall be appointed
6 by the president of the senate and one by the speaker of the house of representatives;

7 (8) one person appointed in accordance with (e) of this section who is
8 a full-time student as defined in AS 14.43.160;

9 (9) one administrator appointed by the governor from a proprietary
10 institution of postsecondary education that has an authorization to operate in the state
11 issued under AS 14.48.

12 * **Sec. 13.** AS 14.43.148(h)(1) is amended to read:

13 (1) "license"

14 (A) means, except as provided in (B) of this paragraph, a
15 license, certificate, permit, registration, or other authorization that, at the time
16 of issuance, will be valid for more than 150 days and that may be acquired
17 from a state agency to perform an occupation, including the following:

18 (i) license relating to boxing or wrestling under
19 AS 05.10;

20 (ii) authorization to perform an occupation regulated
21 under AS 08;

22 (iii) teacher certificate under AS 14.20;

23 (iv) authorization under AS 18.08 to perform emergency
24 medical services;

25 (v) asbestos worker certification under AS 18.31;

26 (vi) boiler operator's license under AS 18.60.395;

27 (vii) certificate of fitness under AS 18.62;

28 (viii) hazardous painting certification under AS 18.63;

29 (ix) certification as a municipal correctional,
30 correctional, probation, or parole officer under AS 18.65.245;

31 (x) security guard license under AS 18.65.400 -

- 1 18.65.490;
- 2 (xi) license relating to insurance under AS 21.27;
- 3 (xii) employment agency permit under AS 23.15.330 -
- 4 23.15.520;
- 5 (xiii) registration as a broker-dealer, agent, or investment
- 6 adviser under AS 45.55.030;
- 7 (xiv) certification as a pesticide applicator under
- 8 AS 46.03.320;
- 9 (xv) certification as a storage tank worker or contractor
- 10 under AS 46.03.375;
- 11 (xvi) certification as a water and wastewater works
- 12 operator under AS 46.30; and
- 13 (B) does not include
- 14 (i) a commercial fishing license under AS 16.05.480,
- 15 including a crewmember fishing license;
- 16 (ii) a vessel license issued under AS 16.05.490 or
- 17 16.05.530;
- 18 (iii) a license issued under AS 14.37 or AS 47.35;
- 19 (iv) a business license issued under AS 43.70;
- 20 (v) an entry permit or interim-use permit issued under
- 21 AS 16.43; or
- 22 (vi) a driver's license issued under AS 28.15;

23 * **Sec. 14.** AS 18.70.081 is amended to read:

24 **Sec. 18.70.081. Approval of fire protection systems.** Before October 30 of

25 each year the Department of Public Safety shall prepare and make available a list of

26 approved fire protection systems to [THE DEPARTMENT OF COMMUNITY AND

27 REGIONAL AFFAIRS,] the Department of Community [COMMERCE] and

28 Economic Development [,] and the public.

29 * **Sec. 15.** AS 23.05 is amended by adding a new section to read:

30 **Sec. 23.05.065. Fees for publications, research data, and other services.**

31 The commissioner may establish by regulation and the department may charge

1 reasonable fees for department publications, research data, and other centralized
 2 administrative services to cover the cost of reproduction, printing, mailing, distribution,
 3 and other centralized administrative services.

4 * **Sec. 16.** AS 23.15.010 is amended to read:

5 **Sec. 23.15.010. Administration of vocational rehabilitation [BOARD OF**
 6 **VOCATIONAL REHABILITATION].** The commissioner shall [BOARD OF
 7 EDUCATION WHICH ADMINISTERS THE PROGRAM OF VOCATIONAL
 8 EDUCATION IS DESIGNATED AS THE BOARD OF VOCATIONAL
 9 REHABILITATION TO] administer the vocational rehabilitation program.

10 * **Sec. 17.** AS 23.15.020 is amended to read:

11 **Sec. 23.15.020. Powers and duties of commissioner [BOARD].** (a) The
 12 commissioner [BOARD] may cooperate with a federal agency, as provided and
 13 required by federal law for vocational rehabilitation.

14 (b) The commissioner [BOARD] shall comply with the federal laws and the
 15 conditions necessary to secure the full benefit of the federal vocational rehabilitation
 16 laws, and shall do all things necessary to entitle the state to receive the benefits of the
 17 federal laws.

18 (c) The commissioner [BOARD] may do all the things and adopt the
 19 regulations that are necessary to carry out the federal laws and the purposes of
 20 AS 23.15.010 - 23.15.210.

21 * **Sec. 18.** AS 23.15.030 is amended to read:

22 **Sec. 23.15.030. Appointment of administrative officers.** The commissioner
 23 [BOARD] may appoint administrative officers [,] and delegate to them the authority
 24 necessary to carry out AS 23.15.010 - 23.15.210.

25 * **Sec. 19.** AS 23.15.040 is amended to read:

26 **Sec. 23.15.040. Division of vocational rehabilitation established.** The
 27 division of vocational rehabilitation is established under the commissioner [BOARD
 28 OF VOCATIONAL REHABILITATION] to carry out AS 23.15.010 - 23.15.210.

29 * **Sec. 20.** AS 23.15.050 is amended to read:

30 **Sec. 23.15.050. Director of vocational rehabilitation.** The commissioner
 31 [BOARD] shall appoint a director of the division of vocational rehabilitation. The

1 director has the administrative authority delegated by the **commissioner** [BOARD] and
 2 necessary to carry out AS 23.15.010 - 23.15.210 and the regulations and policies
 3 adopted by the **commissioner** [BOARD].

4 * **Sec. 21.** AS 23.15.060(a) is amended to read:

5 (a) The **commissioner** [BOARD ACTING THROUGH THE DIVISION OF
 6 VOCATIONAL REHABILITATION] may enter into necessary agreements on behalf
 7 of the state with the Secretary of Health and Human Services to carry out the
 8 provisions of the federal Social Security Act, as amended, and as it is subsequently
 9 amended, relating to the making of determinations of disability under Title II and Title
 10 XVI of that Act.

11 * **Sec. 22.** AS 23.15.160 is amended to read:

12 **Sec. 23.15.160. Gifts.** The **commissioner** [BOARD] may accept a gift or
 13 donation from a public or a private source that is offered unconditionally for carrying
 14 out AS 23.15.010 - 23.15.210. The **commissioner** [BOARD] may accept a conditional
 15 gift if, in the judgment of the agency, the conditions are proper and consistent with
 16 AS 23.15.010 - 23.15.210.

17 * **Sec. 23.** AS 23.15 is amended by adding new sections to read:

18 **Article 3A. Alaska Human Resource Investment Council.**

19 **Sec. 23.15.550. Alaska Human Resource Investment Council.** (a) The
 20 Alaska Human Resource Investment Council is established in the department. The
 21 council consists of the following voting members, not to exceed 26:

- 22 (1) the lieutenant governor or the lieutenant governor's designee;
 23 (2) the commissioners of community and economic development,
 24 education and child development, health and social services, and labor and workforce
 25 development, or each respective commissioner's designee;
 26 (3) one representative from the University of Alaska;
 27 (4) four additional representatives of education, with one from local
 28 public education, one from secondary vocational education, one from a postsecondary
 29 vocational education institution, and one from adult basic education;
 30 (5) four representatives of business and industry, with at least one
 31 representative from the private industry councils appointed under 29 U.S.C. 1512 and

1 subject to reconstitution under 29 U.S.C. 1515;

2 (6) four representatives of organized labor that the governor shall
3 appoint from lists of nominees submitted by recognized state labor organizations; the
4 governor may reject a list submitted under this paragraph and request that another list
5 be submitted;

6 (7) at least one representative from an organization representing
7 employment and training needs of Alaska Natives;

8 (8) at least one representative of a community based service
9 organization;

10 (9) at least one representative who has personal or professional
11 experience with developmental disabilities; and

12 (10) at least one and up to five additional members of the private sector
13 to ensure a private sector majority and regional and local representation on the council.

14 (b) Additional nonvoting members may be appointed to the council from
15 government or nongovernment entities.

16 (c) A member of the council under (a) of this section may appoint a designee
17 to serve in place of the member named in (a) of this section. The member shall
18 appoint the designee in writing.

19 **Sec. 23.15.555. Appointment and term of members.** (a) Members of the
20 Alaska Human Resource Investment Council other than those listed in
21 AS 23.15.550(a)(1) and (2) are appointed by the governor and serve at the pleasure of
22 the governor. The governor may appoint one person to fill two or more of the places
23 listed in AS 23.15.550(a) if the person is qualified in all of the areas the person
24 represents. A member appointed to fill more than one place under this subsection is
25 entitled to only one vote and may appoint only one designee to replace the member
26 in the event the member is unable to attend a meeting.

27 (b) The voting members of the council other than those listed in
28 AS 23.15.550(a)(1) and (2) serve for staggered four-year terms and may serve until a
29 successor is appointed. An appointment to fill a vacancy shall be made in the same
30 manner as the original appointment and for the balance of the unexpired term.

31 (c) The governor shall ensure that individuals appointed to the council have

1 sufficient expertise to effectively carry out the duties of the council. Expertise of the
2 council includes, where appropriate, knowledge of the long-term needs of individuals
3 preparing to enter the work force; the needs of local, state, and regional labor markets;
4 and the methods for evaluating the effectiveness of vocational training programs in
5 serving varying populations.

6 **Sec. 23.15.560. Compensation.** Members of the Alaska Human Resource
7 Investment Council listed in or appointed under AS 23.15.550(a), including a designee
8 of a member attending in place of the member, serve without compensation but are
9 entitled to per diem and travel expenses authorized by law for boards and commissions
10 under AS 39.20.180. Nonvoting members of the council appointed under
11 AS 23.15.550(b) serve without compensation and are not entitled to per diem and
12 travel expenses. A commissioner appointed under AS 23.15.550(a)(2) or the
13 commissioner's designee is entitled to per diem and travel expenses as a state
14 employee.

15 **Sec. 23.15.565. Officers.** The Alaska Human Resource Investment Council
16 shall elect a chair and a vice-chair from among the members listed in or appointed
17 under AS 23.15.550(a)(5). The chair and vice-chair serve in their positions at the
18 pleasure of the council.

19 **Sec. 23.15.570. Meetings, quorum, and committees.** (a) The Alaska Human
20 Resource Investment Council shall meet not more than three times in a calendar year
21 at the call of the chair to conduct its business. A majority of the members listed in
22 or appointed to the council under AS 23.15.550(a) constitutes a quorum.

23 (b) The council shall establish an executive committee and four permanent
24 standing committees as described in (c) - (g) of this section. The chair of a permanent
25 standing committee must be from the private sector. The council may establish
26 additional standing committees and special committees or subcommittees, not
27 necessarily consisting of council members, to advise and assist the council in carrying
28 out its functions assigned by federal or state statute. The permanent standing
29 committees are

- 30 (1) the assessment and evaluation committee;
31 (2) the policy and planning committee;

1 (3) the employment and placement committee; and

2 (4) the workforce readiness committee.

3 (c) The executive committee consists of the chair and vice-chair of the council,
4 the immediate past chair of the council, and the chairs of the four standing committees
5 described in (d) - (g) of this section. The executive committee has the duties and may
6 exercise the powers of the council between meetings of the council. The executive
7 committee shall

8 (1) report to the council in a timely fashion on actions taken on behalf
9 of the council; and

10 (2) supervise the affairs of the council between regular meetings of the
11 council.

12 (d) The assessment and evaluation committee shall

13 (1) assess and evaluate programs, initiatives, and the delivery of
14 services to help to ensure equitable distribution of quality education, training, and
15 employment services statewide, especially to rural areas and to programs serving
16 economically disadvantaged citizens;

17 (2) call for and monitor the workforce development system for
18 increased accountability in performance and continuous quality improvement along the
19 goals and strategies of the council's overall statewide strategic plan for workforce
20 development;

21 (3) use evaluation and performance measures to gauge customer
22 satisfaction within the workforce development system; and

23 (4) perform other duties assigned by the council.

24 (e) The policy and planning committee shall

25 (1) build policies regarding day-to-day operations and long-term
26 responsibilities of the council;

27 (2) work to increase awareness of the council and its mission
28 throughout the state;

29 (3) work with all other committees on a statewide strategic plan for
30 workforce development; and

31 (4) perform other duties assigned by the council.

- 1 (f) The employment and placement committee shall
- 2 (1) ensure the statewide strategic plan for workforce development
- 3 addresses
- 4 (A) customer needs at the local level;
- 5 (B) moving welfare recipients into the workforce;
- 6 (C) promoting the hiring of state residents in jobs that have
- 7 traditionally been filled by out-of-state workers;
- 8 (D) tailoring employment and training programs to suit state
- 9 business, industry, and economic development needs;
- 10 (2) monitor the coordination of service delivery to promote efficiency
- 11 and to prevent overlap of services among programs; and
- 12 (3) perform other duties assigned by the council.

- 13 (g) The workforce readiness committee shall
- 14 (1) provide oversight for training, education, and employment programs
- 15 to ensure the programs are delivering education and training that is relevant to local
- 16 market needs and the career goals of state residents;
- 17 (2) build partnerships between employers and quality workforce training
- 18 programs;
- 19 (3) work to connect the state public and private education systems with
- 20 business, government, and labor to ensure that state residents are receiving workforce
- 21 readiness skills throughout the education process; and
- 22 (4) perform other duties assigned by the council.

23 **Sec. 23.15.575. Council as state planning entity.** The Alaska Human

24 Resource Investment Council shall act as the lead state planning and coordinating

25 entity for state human resource programs administered under

- 26 (1) 29 U.S.C. 1501 - 1792b (Job Training Partnership Act);
- 27 (2) 20 U.S.C. 2301 - 2471 (Carl D. Perkins Vocational and Applied
- 28 Technology Education Act);
- 29 (3) 20 U.S.C. 1201 - 1213d (Adult Education Act);
- 30 (4) 29 U.S.C. 49 - 491-1 (Wagner - Peyser Act);
- 31 (5) 42 U.S.C. 681 - 687 (Job Opportunities and Basic Skills Training

1 Program) for needy families with children under the Social Security Act;

2 (6) the employment program established under 7 U.S.C. 2015(d)(4)
3 (Food Stamp Act of 1977);

4 (7) all federal programs designated as successors to the programs listed
5 in (1) - (6) of this section; and

6 (8) all state laws involving employment training, vocational education,
7 workforce development, and community service.

8 **Sec. 23.15.580. Functions of the council.** (a) As the lead state planning and
9 coordinating entity, the Alaska Human Resource Investment Council has responsibility,
10 to the extent authorized by federal and state law, for planning and coordinating federal,
11 state, and local efforts in human resource programs in this state related to employment
12 training, including the work activities of the Alaska temporary assistance program
13 under AS 47.27.

14 (b) The council shall

15 (1) facilitate the development of statewide policy for a coordinated and
16 effective employment training and education system in this state;

17 (2) identify the human resource investment needs in the state and
18 develop a plan to meet those needs;

19 (3) review the provision of services and the use of money and resources
20 by the human resource programs listed in AS 23.15.575;

21 (4) assume the duties and functions of the state councils described
22 under the laws relating to the federal human resource programs listed in AS 23.15.575;

23 (5) advise the governor, state and local agencies, and the University of
24 Alaska on the development of state and local standards and measures relating to
25 applicable human resource programs;

26 (6) submit, to the governor and the legislature, a biennial strategic plan
27 to accomplish the goals developed to meet human resource investment needs;

28 (7) monitor for the implementation and evaluate the effectiveness of the
29 strategic plan developed by the council;

30 (8) adopt regulations that set standards for the percentage of a grant
31 that may be used for administrative costs; the regulations must clearly identify and

1 distinguish between expenses that may be included in administrative costs and those
2 that may not be included in administrative costs; the percentage allowed for
3 administrative costs may not exceed the lesser of 15 percent or the amount permitted
4 under the requirements of a federal program, if applicable;

5 (9) report annually to the legislature, by the 30th day of the regular
6 legislative session, on the performance and evaluation of training programs in the state
7 subject to review under (f) of this section;

8 (10) identify ways for agencies operating programs subject to oversight
9 by the council to share resources, instructors, and curricula through collaboration with
10 other public and private entities to increase training opportunities and reduce costs; and

11 (11) adopt regulations under AS 44.62 (Administrative Procedure Act)
12 to carry out the purposes of AS 23.15.550 - 23.15.585.

13 (c) The council may receive money designated for human resource programs
14 and may disburse money, including grants, to human resource projects in accordance
15 with AS 37.07 (Executive Budget Act). The council may enter into partnership
16 agreements through appropriate administrative agencies with private industry training
17 entities within the state in order to facilitate the coordination of training opportunities.

18 (d) The council shall provide oversight for the planning and coordination of
19 employment-related education training programs operated by the state or operated
20 under contract with the state that are described in (f) of this section. The council shall
21 require a training program listed in (f) of this section to meet the requirements of this
22 subsection. The council shall, by regulation, establish appropriate penalties for
23 programs that fail to meet the requirements of this subsection. The council may
24 recommend to the legislature changes to enhance the effectiveness of the training
25 programs it oversees under this section. A training program described in (f) of this
26 section funded with money appropriated by the legislature must

27 (1) meet the standards adopted by the council concerning the
28 percentage of a grant that may be spent on administrative costs;

29 (2) be operated by an institution that holds a valid authorization to
30 operate issued under AS 14.48 by the Alaska Commission on Postsecondary Education
31 if the program is a postsecondary educational program operated by a postsecondary

1 educational institution subject to regulation under AS 14.48;

2 (3) provide to the Department of Labor and Workforce Development
3 the information required by the department for the preparation of the statistical
4 information necessary for the council to evaluate programs by the standards set out in
5 (e) of this section.

6 (e) The council shall develop standards that encourage agencies to contract for
7 training programs that maximize the program's class size. The council shall adopt
8 standards for the evaluation of training programs listed in (f) of this section with
9 regard to the following:

10 (1) the percent of former participants who have a job one year after
11 leaving the training program;

12 (2) the median wage of former participants seven to 12 months after
13 leaving the program;

14 (3) the percent of former participants who were employed after leaving
15 the training program who received training under the program that was related to their
16 jobs or somewhat related to their jobs seven to 12 months after leaving the training
17 program;

18 (4) the percent of former participants of a training program who
19 indicate that they were satisfied with or somewhat satisfied with the overall quality of
20 the training program;

21 (5) the percent of employers who indicate that they were satisfied with
22 the quality of the work of new employees who had recently completed the training
23 program.

24 (f) The following training programs are subject to the provisions of (d) and (e)
25 of this section:

26 (1) in the Department of Labor and Workforce Development or
27 operated by the department:

28 (A) One Stop Career Center;

29 (B) Job Training Partnership Act programs under 29 U.S.C.
30 1501 - 1792b, assisting communities in moving toward a self-sustainable
31 economy and providing training;

1 (C) state training and employment program (AS 23.15.620),
 2 providing training and employment services for people who are unemployed or
 3 likely to become unemployed, fostering new jobs, and increasing training
 4 opportunities for workers severely affected by fluctuations in the state economy
 5 or adversely affected by technology advances in the workplace;

6 (D) employment-related adult basic education;

7 (E) School-to-Work;

8 (F) employment training services operated as part of the Alaska
 9 Temporary Assistance Program (ATAP);

10 (G) unemployment insurance grants provided under the federal
 11 training relocation assistance program;

12 (H) Alaska works programs, assisting with the welfare-to-work
 13 program;

14 (I) state training and employment program, coordinated with the
 15 Department of Community and Economic Development;

16 (2) in the Department of Education and Child Development or operated
 17 by the department, the non-public-school portions of the following programs:

18 (A) high school completion project;

19 (B) Kotzebue Technical Center;

20 (C) Alaska Vocational Technical Center;

21 (D) vocational education and Tech Prep;

22 (E) Alaska Career Information System.

23 (g) The council shall assess the programs listed in this subsection and make
 24 recommendations to the legislature in its report required under (b)(9) of this section
 25 about whether to include one or more of these programs under the requirements of (f)
 26 of this section:

27 (1) in the Department of Community and Economic Development or
 28 operated by the department:

29 (A) local government assistance training and development,
 30 including the rural utility business advisory program;

31 (B) energy operations, providing training in management and

1 administration of electric utilities and bulk fuel storage systems;

2 (2) in the Department of Corrections:

3 (A) Correctional Academy, training individuals applying for a
4 correctional officer position;

5 (B) inmate programs, providing vocational technical training and
6 education courses for inmates preparing to be released from a correctional
7 facility;

8 (C) correctional industries program, providing inmates with jobs
9 while they are incarcerated;

10 (3) in the Department of Environmental Conservation:

11 (A) remote maintenance worker program, providing training and
12 technical assistance to communities to keep drinking water and sewage disposal
13 systems running, and providing on-the-job training to local operators;

14 (B) water and wastewater operator training and assistance;

15 (C) federal drinking water operator training and certification;

16 (4) in the Department of Military and Veterans' Affairs: educational
17 benefits for members of the Alaska National Guard and the Alaska Naval Militia;

18 (5) in the Department of Public Safety:

19 (A) fire service training to maintain emergency training skills
20 for existing fire fighter staff and volunteers and individuals interested in
21 becoming fire fighters;

22 (B) Public Safety Training Academy, training trooper recruits;

23 (6) in the Department of Transportation and Public Facilities:

24 (A) engineer-in-training program, providing on-the-job training
25 for apprentice engineers to enable them to gain the experience necessary to be
26 certified;

27 (B) statewide transportation improvement program, offered by
28 the United States National Highway Institute;

29 (C) local technical assistance program, transferring technical
30 expertise to local governments;

31 (D) Native technical assistance program, transferring technical

1 expertise to Native governments;

2 (E) border technology exchange program, to coordinate highway
3 issues with the Yukon Territory;

4 (7) in the Department of Labor and Workforce Development: vocational
5 rehabilitation client services and special work projects, employment services, including
6 job development, assisting individuals in finding employment, and assisting employed
7 individuals in finding other employment;

8 (8) in the Department of Administration: Alaska Professional
9 Development Institute, providing continuing education and training for employed
10 workers.

11 (h) The University of Alaska shall evaluate the performance of its training
12 programs using the standards set out in (e) of this section and shall provide a report
13 on the results to the council for inclusion in the council's annual report to the
14 legislature.

15 (i) The council shall review each program listed in (f) of this section to
16 determine whether it is in compliance with the standards set out in (d) and (e) of this
17 section. If the council finds that a program has failed to comply with the standards
18 set out in (d) and (e) of this section, it shall notify the program director of the failure.
19 If the program director fails to improve the performance of the program within a
20 reasonable time, the council shall notify the governor and the legislative budget and
21 audit committee that the program is out of compliance. A contract entered into by a
22 state agency relating to a training program set out in (f) of this section must contain
23 terms consistent with this section.

24 (j) A department that operates or contracts for a training program listed in (f)
25 of this section shall pay to the council a management assessment fee not to exceed .75
26 percent of the program's annual operating budget. The total amount received as
27 management assessment fees may not exceed the council's authorized budget for the
28 fiscal year. The council shall, by regulation, establish a method to determine annually
29 the amount of the management assessment fee. If the amount the council expects to
30 collect under this subsection exceeds the authorized budget of the council, the council
31 shall reduce the percentages set out in this subsection so that the total amount of the

1 fees collected approximately equals the authorized budget of the council for the fiscal
 2 year. The council shall adopt regulations under AS 44.62 (Administrative Procedure
 3 Act) necessary to administer this subsection.

4 (k) Upon the enactment of a new federal or state program relating to work
 5 force development, the council shall

6 (1) advise the governor and the legislature on whether the council
 7 should provide oversight for the new program under this section; and

8 (2) make recommendations necessary to streamline and coordinate state
 9 efforts to meet the guidelines of the new program.

10 (l) For purposes of this section, "program"

11 (1) does not refer to the overall activities of an individual institution
 12 or individual fields of study or courses that are not associated with programs for which
 13 the council has oversight responsibility;

14 (2) may include a certificate or associate degree course or a course that
 15 is not for credit, whether it is offered by a public or private institute or contracted for
 16 by the private sector, so long as it is related to employment.

17 **Sec. 23.15.585. Administration.** (a) The governor shall appoint the executive
 18 director for the Alaska Human Resource Investment Council. The department shall
 19 provide professional, technical, and administrative staff for the Alaska Human
 20 Resource Investment Council.

21 (b) Subject to legislative appropriations, and in accordance with AS 37.07
 22 (Executive Budget Act), the council's budget is funded from programs for which the
 23 council is the lead state planning and coordinating entity under AS 23.15.575.

24 * **Sec. 24.** AS 23.15.645(b) is amended to read:

25 (b) When a grant is awarded to the council, the department shall annually
 26 provide to the council a priority list of targeted projects or services, based on
 27 unemployment statistics, unemployment insurance claims, occupational and industrial
 28 projections, availability of other training and employment programs, and other relevant
 29 data. The department shall also provide annually to the council a priority list of
 30 criteria for eligibility to maximize services to those people most in need of training
 31 under AS 23.15.620 - 23.15.660. In developing the priority list for targeted projects

1 and services, the department shall solicit comments from the [DEPARTMENT OF
 2 COMMUNITY AND REGIONAL AFFAIRS,] Department of Education **and Child**
 3 **Development, the** [,] Department of **Community** [COMMERCE] and Economic
 4 Development, **the** University of Alaska, organized labor, the council, and the
 5 administrative entities of the substate service delivery areas established for the council.
 6 The department shall give preference to projects and services that train individuals in
 7 industries identified in the resident hire report required under AS 36.10.130 as
 8 employing a disproportionate percentage of nonresident individuals.

9 * **Sec. 25.** AS 23.15.660(1) is amended to read:

10 (1) "council" means the Alaska Human Resource Investment Council
 11 established in **AS 23.15.550** [AS 44.19.620];

12 * **Sec. 26.** AS 23.15 is amended by adding new sections to read:

13 **Article 6. Business Incentive Training Program.**

14 **Sec. 23.15.700. Business incentive training program established.** (a) There
 15 is established in the department the business incentive training program. The incentive
 16 program shall be administered as a supplement to the Job Training Partnership Act
 17 (P.L. No. 97-300).

18 (b) The purpose of the incentive program is to encourage private industry to
 19 provide new job opportunities by offering assistance in training the new work force
 20 and in retraining existing employees to implement new technologies.

21 **Sec. 23.15.710. Administration.** (a) The Alaska Human Resource Investment
 22 Council shall oversee the incentive program. The service delivery areas established
 23 under 29 U.S.C. 1511 and subject to redesignation under 29 U.S.C. 1515 shall be used
 24 in the administration of the incentive program. The private industry councils appointed
 25 under 29 U.S.C. 1512 and subject to reconstitution under 29 U.S.C. 1515 shall serve
 26 as the private industry councils for the incentive program.

27 (b) The council shall divide appropriations for the incentive program equally
 28 among the private industry councils. If a private industry council lacks sufficient
 29 money to fund a proposal, the private industry council may apply to the council for
 30 additional funding. The council may approve reallocation of money from one service
 31 delivery area to another to fund a particular proposal if it finds that the reallocation

1 will best serve the purposes of the program.

2 (c) The council shall adopt regulations under AS 44.62 (Administrative
3 Procedure Act) to implement AS 23.15.700 - 23.15.810.

4 **Sec. 23.15.720. Business incentive training plan.** (a) A private industry
5 council shall adopt a business incentive training plan for the service delivery area. The
6 plan must extend for two years to coincide with the term for the Job Training
7 Partnership Act (P.L. 97-300) and must contain

8 (1) identification of the entity or entities that will administer the
9 incentive program and be the grant recipient for grants from the state;

10 (2) a description of the services to be provided, including the estimated
11 duration of service and the estimated training cost per participant;

12 (3) procedures for identifying and selecting participants;

13 (4) performance goals established in accordance with standards under
14 AS 23.15.780;

15 (5) procedures for awarding grants to businesses; and

16 (6) the budget for two program years and any proposed expenditures
17 for the succeeding two program years in as much detail as required by the grant
18 administrator designated under AS 23.15.740.

19 (b) If changes in labor market conditions, funding, or other factors require
20 substantial deviation from an approved business incentive training plan, the private
21 industry council and the appropriate elected municipal official or officials shall submit
22 a modification of the plan and the budget for review under AS 23.15.730.

23 **Sec. 23.15.730. Review and approval of business incentive training plan.**

24 The business incentive training plan shall be published and made available for review
25 and comment as an attachment to the job training plan as set out in 29 U.S.C. 1515.
26 The business incentive training plan is subject to review and approval by the governor.

27 **Sec. 23.15.740. Business incentive training grants.** (a) Each private industry
28 council shall designate an administrative entity to be the grant recipient and
29 administrator for the region. An employer may apply to the grant administrator for a
30 business incentive grant if the employer is a private for-profit or nonprofit corporation,
31 partnership, or sole proprietor business. The grant administrator shall review

1 applications and award grants.

2 (b) Each grant administrator is responsible for the allocation of funds and the
3 eligibility of those enrolled in its programs. The grant administrator is responsible for
4 taking action against its subcontractors, subgrantees, and other recipients to eliminate
5 abuses in the programs they are carrying out, and to prevent misuse of funds. If the
6 arrangement is included in an approved job training plan, a grant administrator may
7 delegate the responsibility for determining eligibility under reasonable safeguards,
8 including provisions for reimbursement of costs incurred because of erroneous
9 determinations made with insufficient care.

10 (c) A business incentive training grant shall be used to recruit and train eligible
11 employees for newly created permanent or permanent seasonal positions or to enable
12 existing employees to acquire the skills necessary to qualify the employee to
13 implement new technologies. A business incentive training grant may be used for
14 occupations for which there is a demand in the area served or in another area to which
15 the participant is willing to relocate and for emerging technologies in the state. In
16 selecting recruiting and training programs, the private industry councils and the grant
17 administrators may consider whether the occupation in which recruiting or training is
18 sought is in a sector of the economy that has a high potential for sustained demand or
19 growth.

20 (d) Only individuals eligible under the business incentive training plan and
21 residing in the service delivery area may be participants in employment and training
22 activities funded under the business incentive training program. To be eligible for
23 training or education services under AS 23.15.700 - 23.15.810, immediately before
24 beginning training or education under the program a person shall

25 (1) have been unemployed and

26 (A) receiving unemployment insurance benefits; or

27 (B) have exhausted the right to unemployment insurance
28 benefits within the past three years;

29 (2) be liable to be displaced from work within the next six months
30 because of

31 (A) reductions in overall employment within the business;

1 (B) elimination of the person's current job; or

2 (C) a change in the conditions of the employee's job requiring
3 that, to remain employed, the employee must have substantially different skills
4 that the employee does not now possess; or

5 (3) have worked in a position covered by AS 23.20 at any time during
6 the last three years and be ineligible for unemployment insurance benefits because the
7 person

8 (A) was working in a seasonal, temporary, part-time, or other
9 marginal employment;

10 (B) has insufficient qualifying wages because of limited job
11 opportunities; or

12 (C) is employed, but, because the person is underemployed, the
13 person needs employment assistance and training to obtain full employment.

14 (e) Payments to employers for on-the-job training of participants who
15 experience multiple barriers to employment or are eligible under the Job Training
16 Partnership Act (P.L. 97-300) may not average more than 80 percent of the wages paid
17 by the employer to the participant. Payments to employers for on-the-job training of
18 other participants may not average more than 50 percent of the wages paid by the
19 employer to participants. The payments shall be considered to be in compensation for
20 the extraordinary costs associated with training employees for new positions and the
21 lower productivity of the participants.

22 (f) A grant made under the business incentive training program may not be
23 used to duplicate facilities or services available in the area from federal, state, or local
24 sources unless the business incentive training plan establishes that services or facilities
25 under the program would be more effective or more likely to achieve performance
26 goals.

27 (g) A fee may not be charged for placing an individual in or referring an
28 individual to a training program under AS 23.15.700 - 23.15.810.

29 (h) A business incentive training grant may not be awarded to a program that
30 involves political activities.

31 (i) An employer at whose request a participant is offered training shall fulfill

1 the obligation to offer a successful participant in the business incentive training
2 program a position or promotion, as applicable. A participant is considered successful
3 if the participant satisfactorily completes the training program in which the participant
4 was enrolled.

5 **Sec. 23.15.750. Compensation for participants.** (a) A trainee may not
6 receive a payment for training activities in which the trainee fails to participate.

7 (b) An individual in on-the-job training shall be compensated by the employer
8 at the same rates, including periodic increases, as similarly situated employees or
9 trainees and in accordance with applicable law. However, an individual may not be
10 paid less than the state minimum wage under AS 23.10.065 whether or not the
11 individual is exempt under AS 23.10.055 or 23.10.070.

12 (c) An individual employed in activities authorized under the business
13 incentive training program other than on-the-job training shall be paid wages that are
14 not less than the highest of

15 (1) the state minimum wage under AS 23.10.065;

16 (2) the prevailing rate of pay for individuals employed in similar
17 occupations by the same employer; or

18 (3) the prevailing rate of wages under AS 36.05 or 40 U.S.C. 276a -
19 276a-5, if applicable.

20 (d) Allowances, earnings, and payments to individuals participating in
21 programs under the business incentive training program may not be considered as
22 income in determining eligibility for and the amount of income transfer and in-kind
23 aid furnished under a state program based on need, other than programs under the
24 Social Security Act.

25 (e) Conditions of employment and training must be appropriate and reasonable
26 in light of factors including the type of work, geographical region, and proficiency of
27 the participant.

28 (f) An individual employed in a subsidized job under the business incentive
29 training program shall be provided benefits and working conditions at the same level
30 and to the same extent as other employees working a similar length of time and doing
31 the same type of work.

1 (g) Money from a grant under the business incentive training program may not
2 be used for contributions on behalf of a participant to retirement systems or plans.

3 **Sec. 23.15.760. Reporting and record keeping.** (a) A grant administrator
4 shall maintain records of each participant's enrollment in a business incentive training
5 program in sufficient detail to demonstrate compliance with AS 23.15.700 - 23.15.810.

6 (b) The council shall adopt regulations concerning retention of records.

7 (c) The council shall, no later than February 1 of each year, prepare a report
8 concerning the incentive program and notify the legislature that the report is available.

9 **Sec. 23.15.770. Allowable costs.** (a) To be allowable, a cost must be
10 necessary and reasonable for proper and efficient administration of the program. The
11 following costs are not allowable:

12 (1) costs resulting from violations of or failure to comply with federal,
13 state, or local laws and regulations;

14 (2) entertainment costs; and

15 (3) insurance policies offering protection against debts established by
16 the federal government.

17 (b) Personal liability insurance for members of the private industry council is
18 an allowable cost.

19 **Sec. 23.15.780. Performance standards.** (a) The basic measure of
20 performance for training programs under AS 23.15.700 - 23.15.810 is the increase in
21 jobs in the area and in employment and earnings for participants resulting from
22 participation in the program. In order to determine whether these standards are
23 achieved, the governor shall adopt standards based on appropriate factors.

24 (b) The governor shall provide technical assistance to programs that do not
25 meet performance criteria. If a program fails to meet performance standards for two
26 consecutive years, the governor shall withdraw unencumbered funds from the program.

27 (c) An interested party who is harmed by a change made under this section is
28 entitled to a hearing under AS 44.62 (Administrative Procedure Act).

29 **Sec. 23.15.790. Limitation on certain costs.** No more than 15 percent of the
30 money available to a service delivery area for a fiscal year may be expended for the
31 cost of administration. For purposes of this section, costs of program support,

1 including counseling, that are directly related to the provision of education or training
2 to participants may not be counted as part of the cost of administration.

3 **Sec. 23.15.800. Selection of service providers.** (a) The primary
4 consideration in selecting agencies or organizations to deliver services within a service
5 delivery area is the effectiveness of the agency or organization in delivering
6 comparable or related services based on demonstrated performance, in terms of the
7 likelihood of meeting performance goals, cost, quality of training, and characteristics
8 of participants. In complying with this subsection, proper consideration shall be given
9 to community based organizations as service providers.

10 (b) Appropriate education agencies in the service delivery area shall be given
11 the opportunity to provide educational services, unless the grant administrator
12 determines that alternative agencies or organizations would be more effective or would
13 have greater potential to enhance the participants' continued occupational and career
14 growth.

15 (c) The grant administrator may not fund an occupational skills training
16 program unless the level of skills provided in the program is in accordance with
17 guidelines established by the private industry council.

18 **Sec. 23.15.810. Definitions.** In AS 23.15.700 - 23.15.810,

19 (1) "council" means the Alaska Human Resource Investment Council;

20 (2) "incentive program" means the business incentive training program
21 established under AS 23.15.700;

22 (3) "participant" means an individual receiving education or training,
23 including on-the-job training, under an incentive program grant.

24 * **Sec. 27.** AS 23.20.110(a) is amended to read:

25 (a) Except as provided in (h) and (i) of this section, the department shall hold
26 information obtained from an employing unit or individual in the course of
27 administering this chapter and determinations as to the benefit rights of an individual
28 confidential and may not disclose them or open them to public inspection in a manner
29 that reveals the identity of the individual or employing unit. A claimant or an
30 employing unit, or the legal representative of the claimant or the employing unit, is
31 entitled to information from the records of the department to the extent necessary to

1 properly present or protest a claim or determination under this chapter. Subject to
 2 restrictions that the department prescribes by regulation, the information may be made
 3 available to an agency of this state or another state or federal agency charged with the
 4 administration of an unemployment compensation law or the maintenance of a system
 5 of public employment offices, or, for the purposes of the Federal Unemployment Tax
 6 Act, to the Internal Revenue Service of the United States, or, for tax purposes, to the
 7 Department of Revenue. Information obtained in the course of administering this
 8 chapter or in connection with the administration of the employment service may be
 9 made available to persons or agencies for purposes appropriate to the operation of a
 10 public employment service or the administration of employment and training programs
 11 planned or coordinated by the Alaska Human Resource Investment Council under
 12 AS 23.15.550 - 23.15.585 [AS 44.19.620 - 44.19.627].

13 * **Sec. 28.** AS 25.27.244(s)(2) is amended to read:

14 (2) "license"

15 (A) means, except as provided in (B) of this paragraph, a
 16 license, certificate, permit, registration, or other authorization that, at the time
 17 of issuance, will be valid for more than 150 days and that may be acquired
 18 from a state agency to perform an occupation, including the following:

19 (i) license relating to boxing or wrestling under
 20 AS 05.10;

21 (ii) authorization to perform an occupation regulated
 22 under AS 08;

23 (iii) teacher certificate under AS 14.20;

24 (iv) authorization under AS 18.08 to perform emergency
 25 medical services;

26 (v) asbestos worker certification under AS 18.31;

27 (vi) boiler operator's license under AS 18.60.395;

28 (vii) certificate of fitness under AS 18.62;

29 (viii) hazardous painting certification under AS 18.63;

30 (ix) security guard license under AS 18.65.400 -
 31 18.65.490;

- 1 (x) license relating to insurance under AS 21.27;
- 2 (xi) employment agency permit under AS 23.15.330 -
- 3 23.15.520;
- 4 (xii) registration as a broker-dealer, agent, or investment
- 5 adviser under AS 45.55.030;
- 6 (xiii) certification as a pesticide applicator under
- 7 AS 46.03.320;
- 8 (xiv) certification as a storage tank worker or contractor
- 9 under AS 46.03.375;
- 10 (xv) certification as a water and wastewater works
- 11 operator under AS 46.30; and
- 12 (xvi) commercial crewmember fishing license under
- 13 AS 16.05.480 other than an entry permit or interim-use permit under
- 14 AS 16.43;
- 15 (B) does not include
- 16 (i) a vessel license issued under AS 16.05.490 or
- 17 16.05.530;
- 18 (ii) a license issued under **AS 14.37** or AS 47.35;
- 19 (iii) a business license issued under AS 43.70;
- 20 (iv) an entry permit or interim-use permit issued under
- 21 AS 16.43; or
- 22 (v) a driver's license issued under AS 28.15;

23 * **Sec. 29.** AS 29.06.040(c) is amended to read:

24 (c) In addition to the regulations governing annexation by local action adopted

25 under **AS 44.33.812** [AS 44.47.567], the Local Boundary Commission shall establish

26 procedures for annexation and detachment of territory by municipalities by local

27 action. The procedures established under this subsection must include a provision that

28 (1) a proposed annexation and detachment must be approved by a

29 majority of votes on the question cast by voters residing in the area proposed to be

30 annexed or detached;

31 (2) municipally owned property adjoining the municipality may be

1 annexed by ordinance without voter approval; and

2 (3) an area adjoining the municipality may be annexed by ordinance
3 without an election if all property owners and voters in the area petition the governing
4 body.

5 * **Sec. 30.** AS 29.60.599(9) is amended to read:

6 (9) "village" means a place within the unorganized borough or within
7 a borough if the power, function, or service for which a grant application is submitted
8 under AS 29.60.500 - 29.60.599 is not exercised or provided by the borough on an
9 areawide or nonareawide basis at the time the grant application is submitted, that

10 (A) has irrevocably waived, in a form approved by the
11 Department of Law, any claim of sovereign immunity that might arise in
12 connection with the use of grant money under this chapter; and

13 (B) has

14 (i) a council organized under 25 U.S.C. 476 (sec. 16 of
15 the Indian Reorganization Act);

16 (ii) a traditional village council recognized by the United
17 States as eligible for federal aid to Indians; or

18 (iii) a council recognized by the commissioner under
19 regulations adopted by the department to determine and give official
20 recognition of village entities under AS 44.33.755(b) [AS 44.47.150(b)].

21 * **Sec. 31.** AS 29.65.060(f) is amended to read:

22 (f) For purposes of determining the per capita entitlement under (a) of this
23 section, the population of a municipality shall be the population determined by the
24 **former commissioner of community and regional affairs** under former AS 43.18.010
25 for the program year beginning July 1, 1978, for a municipality whose entitlement was
26 determined under former AS 29.18.201 or 29.18.202.

27 * **Sec. 32.** AS 30.13.010(a) is amended to read:

28 (a) The residents of each area of the state within the boundaries of a regional
29 housing authority established under AS 18.55.996 **that** [WHICH] is located in whole
30 or in part in the unorganized borough of the state may create a public body corporate
31 and politic under the name and style of the "Resource Development Authority" with

1 all or any significant part of the name of the region of the state inserted. The
2 boundaries of the authority created shall be coterminous with the portion of the
3 applicable regional housing authority that lies in the unorganized borough. Creation
4 of an authority is initiated by a petition filed with the Department of Community and
5 **Economic Development** [REGIONAL AFFAIRS] and a statement submitted to the
6 governor. The petition must include the proposed name of the authority, its
7 boundaries, and a statement of the facilities proposed to be provided by the authority.
8 The petition must be signed by 15 percent of the total number of residents in the
9 portion of the applicable regional housing authority that lies in the unorganized
10 borough who cast votes in the preceding general election. The Department of
11 Community and **Economic Development** [REGIONAL AFFAIRS] shall review
12 petitions for content and signatures. If the department determines that the petition is
13 adequate, it shall transmit the petition to the director of elections.

14 * **Sec. 33.** AS 36.30.170(g) is amended to read:

15 (g) The division of vocational rehabilitation in the Department of **Labor and**
16 **Workforce Development** [EDUCATION] shall add to its current list of qualified
17 employment programs a list of individuals who qualify as persons with a disability
18 under (e) of this section and of persons who qualify under (f) of this section as
19 employers with 50 percent or more of their employees being persons with disabilities.
20 A person must be on this list at the time the bid is opened in order to qualify for a
21 preference under (e) or (f) of this section.

22 * **Sec. 34.** AS 36.30.850(b)(11) is amended to read:

23 (11) agreements with providers of services under **AS 14.38.100**
24 [AS 44.47.250]; AS 47.07; AS 47.08; AS 47.10; 47.17; AS 47.24; and AS 47.27,
25 including contractors under AS 47.27.050;

26 * **Sec. 35.** AS 36.30.850(b)(30) is amended to read:

27 (30) contracts entered into with a regional development organization;
28 in this paragraph, "regional development organization" has the meaning given in
29 **AS 44.33.895** [AS 44.47.900];

30 * **Sec. 36.** AS 37.05.315(a) is amended to read:

31 (a) When an amount is appropriated or allocated as a grant to a municipality,

1 the Department of **Community and Economic Development** [ADMINISTRATION]
 2 shall promptly notify the municipality of the availability of the grant. When the
 3 Department of **Community and Economic Development** [ADMINISTRATION]
 4 receives an agreement executed by the municipality **that** [WHICH] provides that the
 5 municipality (1) will spend the grant for the purposes specified in the appropriation or
 6 allocation; (2) will allow, on request, an audit by the state of the uses made of the
 7 grant; and (3) assures that, to the extent consistent with the purpose of the
 8 appropriation or allocation, the facilities and services provided with the grant will be
 9 available for the use of the general public, the Department of **Community and**
 10 **Economic Development** [ADMINISTRATION] shall pay the grant directly to the
 11 municipality. The agreement executed by a municipality under this section shall be
 12 on a form furnished by the Department of **Community and Economic Development**
 13 [ADMINISTRATION] and shall be executed within 60 days after the effective date
 14 of the appropriation or allocation.

15 * **Sec. 37.** AS 37.05.315(d) is amended to read:

16 (d) Not less than 20 percent of a grant shall be paid to a municipality within
 17 10 days of the effective date of the agreement under (a) of this section. The remainder
 18 of the grant shall be paid either in monthly installments equal to the amount of grant
 19 money the municipality expended in the previous month or in a lump sum as
 20 determined by the Department of **Community and Economic Development**
 21 [ADMINISTRATION].

22 * **Sec. 38.** AS 37.06.010(j) is amended to read:

23 (j) In this section, unless specified otherwise, "department" means the
 24 Department of **Community and Economic Development** [ADMINISTRATION].

25 * **Sec. 39.** AS 37.06.020(i) is amended to read:

26 (i) The limitations of **AS 44.33.745** [AS 44.47.140] do not apply to a grant
 27 made under this section.

28 * **Sec. 40.** AS 37.06.040 is amended to read:

29 **Sec. 37.06.040. Municipalities organized under federal law.** An entity
 30 organized under federal law as an Indian reserve that existed before enactment of 43
 31 U.S.C. 1618(a) and is continued in existence under that subsection is a municipality

1 for purposes of AS 37.06.010 - 37.06.090 and may not receive a grant under
 2 AS 37.06.020. In addition to other eligibility requirements applicable to municipalities,
 3 to qualify to receive a grant under AS 37.06.010, a municipality organized under
 4 federal law as an Indian reserve shall form a community development corporation with
 5 authority to determine how the grant money will be used. The corporation's charter
 6 must require that the governing board of the corporation shall be elected at an annual
 7 election open to all residents of the municipality who are registered and qualified to
 8 vote in state elections. The Department of **Community and Economic Development**
 9 [ADMINISTRATION] may distribute money for the municipality only to a corporation
 10 organized in accordance with this section and only after the corporation has delivered
 11 a written waiver of sovereign immunity from legal action by the state to recover all
 12 or a portion of the money distributed under AS 37.06.010.

13 * **Sec. 41.** AS 37.06.080 is amended to read:

14 **Sec. 37.06.080. Adoption of regulations.** The Department of **Community**
 15 **and Economic Development** [ADMINISTRATION FOR GRANTS UNDER
 16 AS 37.06.010 AND THE DEPARTMENT OF COMMUNITY AND REGIONAL
 17 AFFAIRS FOR GRANTS UNDER AS 37.06.020]

18 (1) may adopt regulations that impose additional requirements or
 19 procedures to implement, interpret, make specific, or otherwise carry out the
 20 [APPLICABLE] provisions of this chapter [FOR GRANTS ADMINISTERED BY
 21 THE DEPARTMENT];

22 (2) shall adopt regulations providing for periodic audits of the use of
 23 money for grants [ADMINISTERED BY THE DEPARTMENT] under this chapter,
 24 including audit of the department's determination of the value of, and adequacy of the
 25 verification of the actual use of, locally funded or contributed labor on projects funded
 26 by a grant under this chapter.

27 * **Sec. 42.** AS 38.06.025(a) is amended to read:

28 (a) The board consists of the commissioner of **community** [COMMERCE] and
 29 economic development; the commissioner of **revenue** [COMMUNITY AND
 30 REGIONAL AFFAIRS]; the commissioner of natural resources, who is a nonvoting
 31 member; and five public members.

1 * **Sec. 43.** AS 39.25.120(c)(15) is amended to read:

2 (15) [THE DEPUTY DIRECTOR OF THE DIVISION OF TOURISM
3 AND] the deputy director of the division of insurance in the Department of
4 **Community** [COMMERCE] and Economic Development;

5 * **Sec. 44.** AS 39.25.158(b) is amended to read:

6 (b) After an employee requests to return to work, the reemployment benefits
7 administrator of the division of workers' compensation or the director of vocational
8 rehabilitation in the Department of **Labor and Workforce Development**
9 [EDUCATION] shall review the request and certify that the employee is able to return
10 to work under (c), (d), (e), or (f) of this section, or defer certification until the
11 employee completes retraining under (f) of this section.

12 * **Sec. 45.** AS 39.50.200(b)(18) is amended to read:

13 (18) Local Boundary Commission (**AS 44.33.810** [AS 44.47.565]);

14 * **Sec. 46.** AS 39.50.200(b)(55) is amended to read:

15 (55) Alaska Human Resource Investment Council (**AS 23.15.550**)
16 [(AS 44.19.620)].

17 * **Sec. 47.** AS 42.45.060(a) is amended to read:

18 (a) A loan committee consisting of **five** [SEVEN] members is established. The
19 committee is composed of [THE COMMISSIONER OF COMMUNITY AND
20 REGIONAL AFFAIRS,] the commissioner of **community** [COMMERCE] and
21 economic development, the director of management and budget, or the designees of
22 the **commissioner** [COMMISSIONERS] or the director, and **three** [FOUR] public
23 members.

24 * **Sec. 48.** AS 44.19.145(a) is amended to read:

25 (a) The office shall

26 (1) provide technical assistance to the governor and the legislature in
27 identifying long range goals and objectives for the state and its political subdivisions;

28 (2) prepare and maintain a state comprehensive development plan;

29 (3) provide information and assistance to state agencies to aid in
30 governmental coordination and unity in the preparation of agency plans and programs;

31 (4) review planning within state government as may be necessary for

1 receipt of federal, state, or other funds;

2 (5) participate with other countries, provinces, states, or subdivisions
3 of them in international or interstate planning, and assist the state's local governments,
4 governmental conferences, and councils in planning and coordinating their activities;

5 (6) encourage educational and research programs that further state
6 planning and development, and provide administrative and technical services for them;

7 (7) publish [SUCH] statistical information or other documentary
8 material **that** [AS] will further the provisions and intent of AS 44.19.141 - 44.19.152;

9 (8) assist the governor and the Department of Community and
10 **Economic Development** [REGIONAL AFFAIRS] in coordinating state agency
11 activities that have an effect on the solution of local and regional development
12 problems;

13 (9) serve as a clearinghouse for information, data, and other materials
14 that may be helpful or necessary to federal, state, or local governmental agencies in
15 discharging their respective responsibilities or in obtaining federal or state financial or
16 technical assistance;

17 (10) review all proposals for the location of capital improvements by
18 any state agency and advise and make recommendations concerning location of these
19 capital improvements;

20 (11) render, on behalf of the state, all federal consistency
21 determinations and certifications authorized by 16 U.S.C. 1456 (Sec. 307, Coastal Zone
22 Management Act of 1972), and each conclusive state consistency determination when
23 a project requires a permit, lease, or authorization from two or more state resource
24 agencies.

25 * **Sec. 49.** AS 44.19.155(a) is amended to read:

26 (a) There is created in the Office of the Governor the Alaska Coastal Policy
27 Council. The council consists of the following:

28 (1) nine public members appointed by the governor from a list
29 comprised of at least three names from each region, nominated by the municipalities
30 of each region; the nominees shall be the mayor or member of the assembly or council
31 of a municipality; one public member shall be appointed from each of the following

1 general regions:

2 (A) northwest Alaska, including, generally, the area of the North
3 Slope Borough and the Northwest Arctic **borough** [REGIONAL
4 EDUCATIONAL ATTENDANCE AREA];

5 (B) Bering Straits, including, generally, the area of the Bering
6 Straits regional educational attendance area;

7 (C) southwest Alaska, including, generally, the area within the
8 Lower Yukon, Lower Kuskokwim, **and** Southwest [, AND LAKE &
9 PENINSULA] regional educational attendance areas and the **Lake and**
10 **Peninsula and** Bristol Bay **Boroughs** [BOROUGH];

11 (D) Kodiak-Aleutians, including the area of the Kodiak Island
12 **and Aleutian East Borough** [BOROUGH] and the Aleutian, Adak and Pribilof
13 regional educational attendance areas;

14 (E) Upper Cook Inlet, including the Municipality of Anchorage
15 and the Matanuska-Susitna Borough;

16 (F) Lower Cook Inlet, including, generally, the area within the
17 Kenai Peninsula Borough;

18 (G) Prince William Sound, including, generally, the area east
19 of the Kenai Peninsula Borough to 141 W. longitude;

20 (H) northern Southeast Alaska, including the area southeast of
21 141 W. longitude and north of 57 N. latitude, including the entirety of the City
22 and Borough of Sitka; and

23 (I) southern Southeast Alaska, including that portion of
24 southeastern Alaska not contained within the area described in (H) of this
25 paragraph;

26 (2) each of the following:

27 (A) the director of the office of management and budget;

28 (B) the commissioner of **community** [COMMERCE] and
29 economic development;

30 (C) [THE COMMISSIONER OF COMMUNITY AND
31 REGIONAL AFFAIRS];

1 (D)] the commissioner of environmental conservation;
 2 ~~(D)~~ [(E)] the commissioner of fish and game;
 3 ~~(E)~~ [(F)] the commissioner of natural resources; and
 4 ~~(F)~~ [(G)] the commissioner of transportation and public
 5 facilities.

6 * **Sec. 50.** AS 44.19.155(d) is amended to read:

7 (d) Each member of the council shall select one person to serve as a
 8 permanent alternate at meetings of the council. If a member of the council is unable
 9 to attend, the member shall advise the alternate who may attend and act in the place
 10 of the member. The alternate for a public member appointed under (a)(1) of this
 11 section shall, at the time of the alternate's designation and throughout the period of
 12 service as a permanent alternate, be the mayor or member of the assembly or council
 13 of a municipality within the region from which the permanent member is appointed.
 14 The alternate for the director of the office of management and budget, serving under
 15 (a)(2)(A) of this section, shall be the director's designee within that office. The
 16 alternate for a designated member serving under ~~(a)(2)(B) - (F)~~ [(a)(2)(B) - (G)] of this
 17 section shall be a deputy commissioner of the department or the director of a division
 18 in the department. The names of alternates shall be filed with the council.

19 * **Sec. 51.** AS 44.27.020 is amended to read:

20 **Sec. 44.27.020. Duties of department.** The Department of Education **and**
 21 **Child Development** shall

22 (1) administer the state's program of education at the elementary,
 23 secondary, and adult levels, including, but not limited to, programs of vocational
 24 education and training, [VOCATIONAL REHABILITATION,] library services, **and**
 25 correspondence courses [, AND ADULT BASIC EDUCATION], but not including
 26 degree programs of postsecondary education;

27 (2) administer the historical library;

28 (3) plan, finance, and operate related school and educational activities
 29 and facilities; **and**

30 **(4) license and regulate child care facilities.**

31 * **Sec. 52.** AS 44.31.020 is amended to read:

1 **Sec. 44.31.020. Duties of department.** The Department of Labor **and**
2 **Workforce Development** shall

3 (1) enforce the laws, and adopt regulations under them concerning
4 employer-employee relationships, including the safety, hours of work, wages, and
5 conditions of workers, including children;

6 (2) accumulate, analyze, and report labor statistics;

7 (3) operate systems of workers' compensation and unemployment
8 insurance; and

9 (4) gather data reflecting the cost of living in the various election
10 districts of the state upon request of the director of personnel under AS 39.27.030; **and**

11 **(5) operate the federally funded employment and training programs**
12 **under 29 U.S.C. 1501 - 1792b (Job Training Partnership Act);**

13 **(6) administer the state's program of adult basic education.**

14 * **Sec. 53.** AS 44.33.010 is amended to read:

15 **Sec. 44.33.010. Commissioner of community [COMMERCE] and economic**
16 **development.** The principal executive officer of the Department of **Community**
17 **[COMMERCE] and Economic Development is the commissioner of community**
18 **[COMMERCE] and economic development. Whenever a statute provides that the**
19 **commissioner is a member of a board, council, or other similar entity, the**
20 **commissioner may designate an employee of the department to act in the**
21 **commissioner's place.**

22 * **Sec. 54.** AS 44.33.020 is repealed and reenacted to read:

23 **Sec. 44.33.020. Duties of department.** The Department of Community and
24 Economic Development shall

25 (1) advise and assist local governments;

26 (2) advise the governor and other commissioners on the delivery of
27 government services to rural areas, including services relating to public safety, justice,
28 economic development, natural resource management, education, and public health;

29 (3) make recommendations to the governor and other commissioners
30 about policy changes that would affect rural governments and rural affairs;

31 (4) serve as staff for the Local Boundary Commission;

1 (5) conduct studies and carry out experimental and pilot projects for the
2 purpose of developing solutions to community and regional problems;

3 (6) promote cooperative solutions to problems affecting more than one
4 community or region, including joint service agreements, regional compacts, and other
5 forms of cooperation;

6 (7) serve as a clearinghouse for information useful in solution of
7 community and regional problems, and channel to the appropriate authority requests
8 for information and services;

9 (8) advise and assist community and regional governments on matters
10 of finance, including but not limited to bond marketing and procurement of federal
11 funds;

12 (9) prepare suggested guidelines relating to the content of notice of
13 bond sale advertisements, prospectuses, and other bonding matters issued by local
14 governments;

15 (10) administer state funds appropriated for the benefit of unorganized
16 regions within the state, allowing for maximum participation by local advisory councils
17 and similar bodies;

18 (11) as assigned through a delegation by the governor, administer and
19 implement the state's role in the federal community development quota program
20 established under 16 U.S.C. 1855(i) or a successor federal program; the department
21 may adopt regulations under a delegation from the governor to implement duties under
22 this paragraph;

23 (12) carry out those administrative functions in the unorganized
24 borough that the legislature may prescribe;

25 (13) study existing and proposed laws and state activities that affect
26 community and regional affairs and submit to the governor recommended changes in
27 those laws and activities;

28 (14) coordinate activities of the state that affect community and
29 regional affairs;

30 (15) assist in the development of new communities and serve as the
31 agent of the state for purposes of participation in federal programs relating to new

1 communities;

2 (16) supervise planning, management, and other activities required for
3 local eligibility for financial aid under those federal and state programs that provide
4 assistance to community and regional governments;

5 (17) advise and assist municipalities on procedures of assessment,
6 valuation, and taxation, and notify municipalities of major errors in those procedures;

7 (18) apply for, receive, and use funds from federal and other sources,
8 public or private, for use in carrying out the powers and duties of the department;

9 (19) request and utilize the resources of other agencies of state
10 government in carrying out the purposes of this chapter to the extent such utilization
11 is more efficient than maintaining departmental staff, reimbursing the other agencies
12 when appropriate;

13 (20) carry out the powers and duties assigned it under AS 42.45;

14 (21) administer state and, as appropriate, federal programs for revenue
15 sharing, grants, and other forms of financial assistance to community and regional
16 governments;

17 (22) administer the state programs relating to commerce, enforce the
18 laws relating to these programs, and adopt regulations under these laws;

19 (23) register corporations;

20 (24) collect corporation franchise taxes;

21 (25) enforce state laws regulating public utilities and other public
22 service enterprises, banking and securities, insurance, and other businesses and
23 enterprises touched with a public interest;

24 (26) make veterans' loans;

25 (27) furnish the budgeting, clerical, and administrative services for
26 regulatory agencies and professional and occupational licensing boards not otherwise
27 provided for;

28 (28) conduct studies, enter into contracts and agreements, and make
29 surveys relating to the economic development of the state and, when appropriate,
30 assemble, analyze, and disseminate the findings obtained;

31 (29) provide factual information and technical assistance for potential

1 industrial and commercial investors;

2 (30) receive gifts, grants, and other aid that facilitate the powers and
3 duties of the department from agencies and instrumentalities of the United States or
4 other public or private sources;

5 (31) establish and activate programs to achieve balanced economic
6 development in the state and advise the governor on economic development policy
7 matters;

8 (32) formulate a continuing program for basic economic development
9 and for the necessary promotion, planning and research that will advance the economic
10 development of the state;

11 (33) cooperate with private, governmental, and other public institutions
12 and agencies in the execution of economic development programs;

13 (34) review the programs and annual reports of other departments and
14 agencies as they are related to economic development and prepare an annual report on
15 the economic growth of the state;

16 (35) administer the economic development programs of the state;

17 (36) perform all other duties and powers necessary or proper in relation
18 to economic development and planning for the state;

19 (37) request tourism-related businesses in the state to provide data
20 regarding occupancy levels, traffic flow and gross receipts and to participate in visitor
21 surveys conducted by the department; data collected under this paragraph that discloses
22 the particulars of an individual business is not a matter of public record and shall be
23 kept confidential; however, this restriction does not prevent the department from using
24 the data to formulate tourism economic impact information including expenditure
25 patterns, tax receipts and fees, employment and income attributable to tourism, and
26 other information considered relevant to the planning, evaluation and policy direction
27 of tourism in the state;

28 (38) provide administrative and budgetary services to the real estate
29 commission under as 08.88 as requested by the commission;

30 (39) sell at cost, to the extent possible, publications and promotional
31 materials developed by the department;

1 (40) as delegated by the governor, administer under 16 U.S.C. 1856 the
2 internal waters foreign processing permit procedures and collect related fees;

3 (41) administer state laws relating to the issuance of business licenses;

4 (42) comply with AS 15.07.055 to serve as a voter registration agency
5 to the extent required by state and federal law, including 42 U.S.C. 1973gg (National
6 Voter Registration Act of 1993);

7 (43) foster the growth of international trade within the state and
8 administer Alaska foreign offices;

9 (44) carry out other functions and duties, consistent with law, necessary
10 or appropriate to accomplish the purpose of this chapter.

11 * **Sec. 55.** AS 44.33 is amended by adding new sections to article 1 to read:

12 **Sec. 44.33.112. Fees for publications, research data, and other services.**

13 The commissioner may establish by regulation and the department may charge
14 reasonable fees for department publications, research data, and other centralized
15 administrative services to cover the cost of reproduction, printing, mailing, distribution,
16 and other centralized administrative services.

17 **Sec. 44.33.115. Exxon Valdez oil spill unincorporated rural community**
18 **grant fund.** There is created in the department the Exxon Valdez oil spill
19 unincorporated rural community grant fund. The fund consists of money appropriated
20 to the fund from the Exxon Valdez oil spill restoration fund, the Alyeska settlement
21 fund, and other sources. Appropriations to the fund do not lapse unless otherwise
22 provided by the legislature in the bill making the appropriation to the fund. The
23 department may use the fund to make grants to unincorporated rural communities in
24 the area affected by the Exxon Valdez oil spill for capital projects for purposes of
25 restoring, replacing, or enhancing subsistence resources or services or other services
26 damaged or lost as the result of the Exxon Valdez oil spill. In this section,

27 (1) "Alyeska settlement fund" means the trust fund established in the
28 state treasury for the purpose of receiving, holding, and disbursing the settlement
29 proceeds received by the state under the Agreement and Consent Decree in re: The
30 Exxon Valdez, United States District Court, District of Alaska, Case No. A92-175
31 Civil, decree entered November 25, 1992;

1 (2) "Exxon Valdez oil spill restoration fund" means the fund established
 2 by the Department of Revenue to implement the judgment entered by the United States
 3 District Court for Alaska in the criminal case United States of America v. Exxon
 4 Shipping Company and Exxon Corporation, No. A90-015 CR.

5 **Sec. 44.33.118. Definitions.** In AS 44.33.010 - 44.33.118,

6 (1) "commissioner" means the commissioner of community and
 7 economic development;

8 (2) "department" means the Department of Community and Economic
 9 Development.

10 * **Sec. 56.** AS 44.33.120(b) is amended to read:

11 (b) The **Department of Community and Economic Development** [ALASKA
 12 DIVISION OF TOURISM] shall

13 (1) cooperate with the tourism marketing council and organizations in
 14 the private sector for the promotion and development of tourism and conventions into
 15 and within the state;

16 (2) coordinate with municipal, state, and federal agencies for the
 17 development and promotion of tourism resources and conventions in the state;

18 (3) review and approve the procurement documents and procedures of
 19 the tourism marketing council to ensure compliance with applicable laws and
 20 regulations;

21 (4) promote and develop the state's tourist and convention industry by
 22 any of the following:

23 (A) publicizing state attractions through such means as display
 24 advertising in magazines and newspapers, advertising on radio and television
 25 or other advertising media, publishing pamphlets, brochures and other graphic
 26 and pictorial materials, or [BY] aiding and assisting representatives of the
 27 media, to ensure greater coverage of the visitor attractions in the state;

28 (B) participation in travel shows;

29 (C) increasing the awareness of the citizens of the state at the
 30 statewide, regional, and community level of the economic importance of the
 31 visitor industry;

- 1 (D) assisting potential investors in creating new visitor facilities;
- 2 (E) administering programs of the state in which the state
- 3 provides matching funds for municipalities of the state or nonprofit
- 4 organizations that undertake the promotion of visitor travel to and the
- 5 development of visitor amenities in the state;
- 6 (F) administering visitor information centers;
- 7 (G) conducting research to evaluate the effectiveness of the
- 8 tourism marketing council's marketing programs;
- 9 (H) analyzing the effect on the state's visitor industry of state
- 10 land and resource development projects;
- 11 (I) organizing, administering, and evaluating demonstration
- 12 projects for the promotion of the state's visitor industry and the development
- 13 of new tourism destination markets; and
- 14 (J) administering grants under AS 44.33.135.

15 * **Sec. 57.** AS 44.33.135(a) is amended to read:

16 (a) A municipality, a nonprofit corporation formed under AS 10.20, or a bona

17 fide nonprofit civic, fraternal, or service organization may receive, as a grant, matching

18 money from the state for up to 50 percent of the costs of a program or project that the

19 **commissioner of community and economic development** [DIRECTOR OF

20 TOURISM] determines is consistent with the purposes of AS 44.33.119 and is likely

21 to promote or develop visitor travel, including

- 22 (1) the promotion of conventions;
- 23 (2) the construction, improvement, or operation of visitor destination
- 24 facilities and tourist attractions; and
- 25 (3) the development and preservation of attractions of historical,
- 26 contemporary, recreational, or cultural interest.

27 * **Sec. 58.** AS 44.33.705(a) is amended to read:

28 (a) Unless the commissioner contracts with a qualified trade association under

29 (b) of this section, the governing body of the council is a board of directors consisting

30 of [THE DIRECTOR OF TOURISM,] the commissioner of **community**

31 [COMMERCE] and economic development [,] and the **commissioners**

1 [COMMISSIONER] of two other [ANOTHER] principal executive departments
2 [DEPARTMENT] designated by the governor.

3 * **Sec. 59.** AS 44.33.705(c) is amended to read:

4 (c) If the commissioner contracts with a qualified trade association under (b)
5 of this section, the governing body of the council is a board of directors consisting of
6 21 members and subject to the following provisions:

7 (1) a board member shall

8 (A) be involved in a visitor or recreation industry business;

9 (B) have training in a field such as marketing;

10 (C) be an officer or a senior staff member of a local
11 government or nonprofit enterprise established to promote the visitor industry;
12 or

13 (D) have business or government experience that would
14 materially enhance the member's ability to contribute to the planning,
15 execution, or evaluation of a visitor industry promotional marketing campaign;

16 (2) the contract shall provide that the trade association may select up
17 to 10 board members; the governor may remove a member of the board selected under
18 this paragraph on the delivery by the governor to the board of a written statement
19 explaining the reasons for the removal;

20 (3) the commissioner of community and economic development
21 [DIRECTOR OF TOURISM] is a member of the board; the governor shall appoint 10
22 other board members; each board member appointed by the governor serves at the
23 pleasure of the governor; in making appointments to the board under this paragraph,
24 the governor shall ensure that the board, including members selected under (2) of this
25 subsection, is broadly representative of the different regions of the state and the
26 various sectors of the visitor industry;

27 (4) eleven members of the board constitute a quorum for the transaction
28 of business and the exercise of the powers and duties of the board, and any action by
29 the board requires 11 affirmative votes;

30 (5) the governor shall appoint a member of the board to serve as
31 presiding officer of the board; the board shall elect other necessary officers from

1 among its members annually;

2 (6) a board member may not participate or vote by proxy;

3 (7) the board shall meet at least four times a year at the call of the
4 presiding officer or upon the written request of seven members of the board;

5 (8) the members of the board appointed by the governor serve
6 staggered three-year terms, subject to continuation of the contract, and may be
7 reappointed;

8 (9) a person appointed to fill a vacancy on the board holds office for
9 the balance of the term of the person's predecessor;

10 (10) board members receive no salary for serving in that position, but
11 are entitled to per diem and travel expenses under AS 39.20.180, except as provided
12 in AS 44.33.733; the contract must provide that the trade association will reimburse
13 the council for per diem and travel expenses paid to those board members appointed
14 by the trade association; reimbursement under this paragraph does not qualify as a part
15 of the association's required contribution under (b) of this section;

16 (11) notwithstanding AS 39.52, a board member who is a member of
17 the qualified trade association that has contracted with the department under (b) of this
18 section may vote or take action on a matter that might benefit the trade association or
19 members of the trade association, including the issuance of contracts or the granting
20 of rights to the trade association, but shall disclose the person's membership in the
21 trade association before the vote or action; this paragraph may not be interpreted to
22 allow a board member or an immediate family member of a board member to receive,
23 apply for, be a party to, have a personal or financial interest in, or attempt to acquire
24 a grant or contract made by the council; in this paragraph, "immediate family member"
25 has the meaning given in AS 39.52.960.

26 * **Sec. 60.** AS 44.33.720(a) is amended to read:

27 (a) The council shall

28 (1) conduct a tourism marketing program designed to accomplish the
29 purposes of AS 44.33.700 - 44.33.735; the marketing program must include promotion
30 of the state as a destination and promotion of all forms of travel to the state, including
31 travel by air, highway, and water;

1 (2) prepare and implement plans for the promotion of Alaska tourism,
2 including necessary research;

3 (3) submit an annual report to the governor describing the activities of
4 the council and notify the legislature that the report is available;

5 (4) make available to all interested persons, including tourism
6 businesses, a quarterly report of the council's actions and activities;

7 (5) annually submit a proposed operating budget to the commissioner,
8 to be used by the Department of Community [COMMERCE] and Economic
9 Development to prepare and submit the operating budget of the council under
10 AS 44.33.725;

11 (6) provide advice, on the request of the commissioner of community
12 and economic development [DIRECTOR OF TOURISM], on the programs of the
13 Department of Community and Economic Development that relate to tourism
14 [DIVISION];

15 (7) prepare a report by the 10th day of each regular session of the
16 legislature, describing how the contractual money was spent in the first half of the year
17 and explaining the plan for expenditures during the second half of the year; the council
18 shall notify the legislature that the report is available;

19 (8) consider methods to fund tourism marketing using both public and
20 private assets; and

21 (9) consider methods of providing for the financial self-sufficiency of
22 the council.

23 * **Sec. 61.** AS 44.33 is amended by adding new sections to read:

24 **Article 7A. Rural Development.**

25 **Sec. 44.33.740. Powers and duties.** To promote development of rural areas
26 of the state, the department is authorized to

27 (1) investigate social and economic conditions of rural areas to
28 determine the need to expand economic opportunities and improve living conditions;

29 (2) formulate a coordinated program to broaden and diversify the
30 economic base of rural areas;

31 (3) coordinate administration of emergency relief, surplus food

1 distribution, or other public assistance programs, except the regular relief and
2 assistance programs of the federal government in rural areas;

3 (4) formulate and conduct a program of construction of basic facilities
4 to improve health, welfare, and economic security and provide employment and
5 income in the rural areas;

6 (5) promote training and educational programs designed to expand
7 employment opportunities for residents of rural areas;

8 (6) enter into agreements with other state agencies and departments to
9 provide for the distribution in rural communities of surplus electrical power from state-
10 owned power sources located in those communities and to expend funds for this
11 purpose;

12 (7) make grants to communities for bulk fuel storage facilities;

13 (8) cooperate with the Department of Environmental Conservation and
14 other agencies to provide technical assistance to communities in the installation,
15 operation, and management of bulk fuel storage facilities.

16 **Sec. 44.33.745. Limitations.** A program of the department under
17 AS 44.33.740 in a rural area may not exceed \$100,000 in cost a year.

18 **Sec. 44.33.750. Bulk fuel storage facilities grant fund.** (a) There is
19 established in the department the bulk fuel storage facilities grant fund. Grants may
20 be made by the department from this fund to a community to acquire and install
21 community bulk storage facilities.

22 (b) Grants made under this section for the acquisition and installation of a bulk
23 fuel storage facility may not exceed \$100,000 per community.

24 (c) If the governing body of two or more communities determine that their fuel
25 requirements may be served by a single bulk fuel storage facility, the communities
26 may jointly apply for grants to acquire and install a single bulk fuel storage facility.
27 When communities apply jointly under this subsection, the limitation in (b) of this
28 section is multiplied by the number of communities that submit the joint application.

29 (d) Before a grant is made under this section, the city council or, if the
30 community is not incorporated, a reasonable representative body in the community
31 shall agree in writing to maintain and operate the bulk storage facility to be

1 constructed with the proceeds of the grant.

2 **Sec. 44.33.755. Land conveyed in trust.** (a) The commissioner

3 (1) shall accept, administer, and dispose of land conveyed to the state
4 in trust by village corporations under 43 U.S.C. 1613(c)(3) (Sec. 14(c)(3) of the Alaska
5 Native Claims Settlement Act) for the purposes specified in that section;

6 (2) may, with the concurrence of an appropriate village entity
7 recognized by the commissioner under (b) of this section or, in the absence of an
8 appropriate village entity, under procedures prescribed by regulations of the
9 commissioner, accept, administer, and dispose of land conveyed in trust by a state or
10 federal agency and by the dissolution of a municipality under AS 29.06.450 -
11 29.06.530.

12 (b) Transfer of land by sale, lease, right-of-way, easement, or permit, including
13 transfer of surface resources, may be made by the commissioner only after approval
14 of an appropriate village entity such as the traditional council, a village meeting, or a
15 village referendum. This approval shall be by resolution filed with the department.

16 (c) Within one complete state fiscal year after the incorporation of a
17 municipality in the village or of a municipality that includes all or part of the village,
18 land acquired under this section shall be conveyed without cost to the municipality,
19 and the municipality shall succeed to all the entrusted interest in the land.

20 (d) Separate accounts shall be maintained in the name of each village for the
21 land, including the revenue from the land, acquired from each village corporation
22 under this section.

23 (e) Upon the conveyance of land to a municipality under this section, the
24 commissioner shall account to the municipality for all profits including interest
25 generated from the land. The municipality may then request the governor to submit
26 a request to the legislature for an appropriation for the amount due the municipality.

27 (f) Title to or an interest in land acquired by the department under this section
28 may not be acquired by adverse possession or prescription. Notwithstanding (a) - (e)
29 of this section, on the dissolution of a municipality under AS 29.06.450 - 29.06.530,
30 unimproved land that was owned by the municipality on the date of its dissolution and
31 received by the municipality from the state under a municipal land grant entitlement

1 program is transferred to the commissioner of natural resources.

2 (g) For the purposes of this section, "municipality" includes only first and
3 second class cities incorporated under the laws of the state.

4 **Sec. 44.33.760. Loan information officers.** (a) The department may provide
5 itinerant loan information officers to serve persons who reside outside the major
6 population centers of the state.

7 (b) The loan information officers shall be trained, to the extent that the
8 department considers necessary, in a program administered by the department and
9 approved by the Alaska Housing Finance Corporation, the Alaska Industrial
10 Development and Export Authority, and the principal departments of the executive
11 branch that administer loan programs.

12 (c) A majority of the loan information officers shall be persons who are
13 conversant in Alaska Native languages that are spoken by a significant number of
14 Alaska Natives. The department shall provide brochures and other printed materials,
15 written in easily understandable English and in the Alaska Native languages that are
16 spoken by a significant number of Alaska Natives, for distribution by the loan
17 information officers. The brochures and printed materials must explain the purposes
18 of the various state loan programs, the minimum qualifications under the programs, the
19 method for obtaining assistance in the completion of applications for the programs, and
20 other information the department determines will improve the access of persons in
21 rural areas to the state's loan programs.

22 (d) The department shall coordinate its efforts under this section with local
23 financial institutions and community groups to determine the proper itinerary and travel
24 schedule of the loan information officers and to provide adequate notice to persons in
25 rural areas of the itinerary and travel schedule of the loan information officers.

26 (e) The department shall assign the loan information officers to rural areas
27 based on the current and potential future demands for loans in those areas and shall
28 establish offices for the loan information officers in rural areas if the department
29 determines it is necessary to provide familiarity with the area served by the loan
30 information officers and to reduce travel costs.

31 **Sec. 44.33.765. Rural development initiative fund.** (a) The rural

1 development initiative fund is created in the department. Unless provided otherwise
2 in the appropriation act, an appropriation to the fund is retained in the fund for use
3 under AS 44.33.765 - 44.33.775 and does not lapse at the end of a fiscal year. Each
4 year the commissioner shall request an appropriation to the fund of interest and other
5 income earned on loans or investments of the fund. Money in the fund may be
6 appropriated for costs of administering AS 44.33.765 - 44.33.775.

7 (b) The commissioner may place money from the fund into a special reserve
8 account as necessary. The commissioner may use money in the account to protect the
9 state's security interest in collateral on loans made from the fund, to protect the state's
10 interests in investments made from the fund, or to defray expenses incurred during
11 foreclosure or other legal proceedings involving loans or investments made from the
12 fund.

13 (c) The commissioner may use money from the fund to provide for loan
14 information officers under AS 44.33.760.

15 **Sec. 44.33.770. Rural development loans.** (a) The department may use
16 money from the rural development initiative fund to make a loan of up to \$100,000
17 to a person, or a loan of up to \$200,000 to two or more persons, to be used for
18 working capital, equipment, construction, or other commercial purposes by a business
19 located in a community with a population of 5,000 or less. A person who has received
20 a loan under this subsection may not be granted another loan until after the original
21 loan is entirely repaid.

22 (b) The department shall require collateral for each loan made under this
23 section and shall require that a reasonable amount of money from other nonstate
24 sources be committed for use on any project or enterprise for which money from a
25 loan will be used. The department by regulation may establish other conditions for
26 loans. The department shall by regulation establish rates of interest that are not less
27 than six percent a year and terms of repayment for loans made under this section.

28 **Sec. 44.33.775. Disposal of property acquired by default or foreclosure.**
29 The department shall dispose of property acquired through default or foreclosure of a
30 loan made from the rural development initiative fund. Disposal shall be made in a
31 manner that serves the best interests of the state, and may include the amortization of

1 payments over a period of years. The commissioner shall request an appropriation to
2 the fund of proceeds from disposal of property under this section.

3 **Sec. 44.33.780. Definitions.** In AS 44.33.740 - 44.33.780,

4 (1) "commissioner" means the commissioner of community and
5 economic development;

6 (2) "department" means the Department of Community and Economic
7 Development.

8 **Article 7B. Planning Assistance.**

9 **Sec. 44.33.781. Planning assistance for development and maintenance of**
10 **district coastal management programs.** (a) The department shall conduct a program
11 of research, training, and technical assistance to coastal resource districts necessary for
12 the development and implementation of district coastal management programs under
13 AS 46.40. The technical assistance shall include the direct granting to the coastal
14 resource districts of a portion of any funds received by the state from the federal
15 coastal zone management program, in amounts to be individually determined for each
16 coastal resource district by the commissioner of community and economic
17 development. State agencies shall assist the department in carrying out the purposes
18 of this section.

19 **Sec. 44.33.782. Planning assistance to platting authorities.** To facilitate
20 planning in municipalities that exercise planning and zoning authority, the department
21 may provide planning assistance, including but not limited to surveys, land use studies,
22 urban renewal plans, technical services, model acts that include regulations designed
23 to encourage development and use of energy systems not dependent on oil or gas, and
24 other planning work to a city, borough, or other platting authority. In an area under
25 the jurisdiction, for planning purposes, of a city, borough, or other platting authority,
26 the department may not perform the planning work except at the request or with the
27 consent of the local authority.

28 **Sec. 44.33.784. Assistance by cities and platting authorities.** A city or
29 platting authority may make funds under its control available to the department for the
30 purposes of obtaining planning work or planning assistance, or both, for its area. The
31 department may contract for, accept, and expend the funds for urban planning for the

1 local jurisdiction.

2 **Sec. 44.33.786. Land use planning and state facility procurement plan.**

3 The department shall make recommendations to the Department of Transportation and
4 Public Facilities and to appropriate program agencies concerning the effect upon the
5 comprehensive plan or other land use plans or proposals of municipalities and
6 unincorporated communities with respect to the facility procurement plan required to
7 be prepared in accordance with AS 35.10.170.

8 **Sec. 44.33.788. Other planning powers.** The department may accept and
9 expend grants from the federal government and other public or private sources, may
10 contract with reference to them, and may enter into contracts and exercise all other
11 powers necessary to carry out AS 44.33.781 - 44.33.788.

12 **Sec. 44.33.790. Definition.** In AS 44.33.782 - 44.33.790, "department" means
13 the Department of Community and Economic Development.

14 * **Sec. 62.** AS 44.33 is amended by adding new sections to read:

15 **Article 8A. Local Boundary Commission.**

16 **Sec. 44.33.810. Local Boundary Commission.** There is in the Department
17 of Community and Economic Development a Local Boundary Commission. The Local
18 Boundary Commission consists of five members appointed by the governor for
19 overlapping five-year terms. One member shall be appointed from each of the four
20 judicial districts described in AS 22.10.010 and one member shall be appointed from
21 the state at large. The member appointed from the state at large is the chair of the
22 commission.

23 **Sec. 44.33.812. Powers and duties.** (a) The Local Boundary Commission
24 shall

25 (1) make studies of local government boundary problems;

26 (2) adopt regulations providing standards and procedures for municipal
27 incorporation, annexation, detachment, merger, consolidation, reclassification, and
28 dissolution;

29 (3) consider a local government boundary change requested of it by the
30 legislature, the commissioner of community and economic development, or a political
31 subdivision of the state; and

1 (4) develop standards and procedures for the extension of services and
 2 ordinances of incorporated cities into contiguous areas for limited purposes upon
 3 majority approval of the voters of the contiguous area to be annexed and prepare
 4 transition schedules and prorated tax mill levies as well as standards for participation
 5 by voters of these contiguous areas in the affairs of the incorporated cities furnishing
 6 services.

7 (b) The Local Boundary Commission may

8 (1) conduct meetings and hearings to consider local government
 9 boundary changes and other matters related to local government boundary changes,
 10 including extensions of services by incorporated cities into contiguous areas and
 11 matters related to extension of services; and

12 (2) present to the legislature during the first 10 days of a regular
 13 session proposed local government boundary changes, including gradual extension of
 14 services of incorporated cities into contiguous areas upon a majority approval of the
 15 voters of the contiguous area to be annexed and transition schedules providing for total
 16 assimilation of the contiguous area and its full participation in the affairs of the
 17 incorporated city within a period not to exceed five years.

18 **Sec. 44.33.814. Meetings and hearings.** The chair of the commission or the
 19 commissioner of community and economic development with the consent of the chair
 20 may call a meeting or hearing of the Local Boundary Commission. All meetings and
 21 hearings shall be public.

22 **Sec. 44.33.816. Minutes and records.** The Local Boundary Commission shall
 23 keep minutes of all meetings and hearings. If the proceedings are transcribed, minutes
 24 shall be made from the transcription. The minutes are a public record. All votes taken
 25 by the commission shall be entered in the minutes.

26 **Sec. 44.33.818. Notice of public hearings.** Public notice of a hearing of the
 27 Local Boundary Commission shall be given in the area in which the hearing is to be
 28 held at least 15 days before the date of the hearing. The notice of the hearing must
 29 include the time, date, place, and subject of the hearing. The commissioner of
 30 community and economic development shall give notice of the hearing at least three
 31 times in the press, through other news media, or by posting in a public place,

1 whichever is most feasible.

2 **Sec. 44.33.820. Quorum.** Three members of the commission constitute a
3 quorum for the conduct of business at a meeting. Two members constitute a quorum
4 for the conduct of business at a hearing.

5 **Sec. 44.33.822. Boundary change.** A majority of the membership of the
6 Local Boundary Commission must vote in favor of a proposed boundary change before
7 it may be presented to the legislature.

8 **Sec. 44.33.824. Expenses.** Members of the Local Boundary Commission
9 receive no pay but are entitled to the travel expenses and per diem authorized for
10 members of boards and commissions under AS 39.20.180.

11 **Sec. 44.33.826. Hearings on boundary changes.** A local government
12 boundary change may not be proposed to the legislature unless a hearing on the change
13 has been held in or in the near vicinity of the area affected by the change.

14 **Sec. 44.33.828. When boundary change takes effect.** When a local
15 government boundary change is proposed to the legislature during the first 10 days of
16 any regular session, the change becomes effective 45 days after presentation or at the
17 end of the session, whichever is earlier, unless disapproved by a resolution concurred
18 in by a majority of the members of each house.

19 **Article 8B. Borough Feasibility Studies.**

20 **Sec. 44.33.840. Borough feasibility studies.** The commissioner may contract
21 for studies of the feasibility of establishing boroughs in the unorganized borough. A
22 study may be conducted under this section only if

23 (1) appropriations are available for that purpose; and

24 (2) the study is requested by a person residing in the area to be studied
25 or by a city located in the area to be studied.

26 **Sec. 44.33.842. Requests for studies.** A request for a study of the feasibility
27 of establishing a borough in the unorganized borough shall be submitted to the
28 commissioner in writing and must include

29 (1) a description of the boundaries of the area of the proposed study;

30 and

31 (2) an indication of local interest in the proposed study consisting of

1 either

2 (A) a petition requesting the study containing the signatures and
3 addresses of five percent of the voters residing in the area of the proposed
4 study based on the number of voters who voted in the area in the last statewide
5 election; or

6 (B) resolutions requesting the study adopted by the governing
7 bodies of at least five percent of the cities within the area of the proposed
8 study.

9 **Sec. 44.33.844. Boundaries.** The boundaries of an area studied shall conform
10 to the boundaries indicated in the request for the study under AS 44.33.842 unless the
11 commissioner, after a public hearing held in the area of the proposed study, determines
12 that the boundaries should be altered. In determining the boundaries of an area to be
13 studied, the commissioner shall consider

14 (1) the standards applicable to the incorporation of boroughs under
15 AS 29.05.031;

16 (2) boundaries of regional corporations established under 43 U.S.C.
17 1606;

18 (3) census divisions of the state used for the 1980 census;

19 (4) boundaries of the regional educational attendance areas established
20 under AS 14.08.031; and

21 (5) boundaries of coastal resource service areas organized under
22 AS 46.40.110 - 46.40.210.

23 **Sec. 44.33.846. Contracts.** (a) The commissioner shall contract for a study
24 of the feasibility of establishing a borough in the unorganized borough by following
25 the procedures under AS 36.30 (State Procurement Code). The commissioner shall
26 include terms in the contract that provide for

27 (1) public participation in the preparation of the study;

28 (2) completion of the study not later than June 30 of the third year after
29 the year the contract is executed.

30 (b) A study under this section must include

31 (1) a recommendation for or against incorporation of a borough

1 containing all or part of the area studied;

2 (2) an evaluation of the economic development potential of the area
3 studied;

4 (3) an evaluation of capital facility needs of the area studied;

5 (4) an evaluation of demographic, social, and environmental factors
6 affecting the area studied;

7 (5) an evaluation of the relationships among regional educational
8 attendance areas, coastal resource service areas, and other regional entities responsible
9 for providing services in the area studied;

10 (6) an evaluation of the relationships between the existing cities within
11 the area studied and regional entities responsible for providing services in the area; and

12 (7) specific recommendations for

13 (A) organization of a home rule or general law borough
14 government if one is recommended;

15 (B) changes in organization of cities in the area studied; or

16 (C) the improvement of the delivery of services to the public
17 by the state in the area studied.

18 **Sec. 44.33.849. Definition.** In AS 44.33.840 - 44.33.849, "commissioner"
19 means the commissioner of community and economic development.

20 **Article 8C. Alaska Regional Economic Assistance Program.**

21 **Sec. 44.33.895. Alaska regional economic assistance program.** (a) The
22 department shall

23 (1) encourage the formation of regional development organizations by
24 providing assistance in forming organizations to interested individuals, including
25 information on how to qualify and apply for regional development grants and federal
26 funding under 42 U.S.C. 3121 - 3246 (Public Works and Economic Development Act
27 of 1965), as amended;

28 (2) assist an interested individual in establishing boundaries for a
29 proposed organization to ensure that the region

30 (A) is of sufficient geographic size and contains a large enough
31 population to form an economically viable unit with shared interests, resources,

1 traditions, and goals;

2 (B) contains at least one municipality that serves as a regional
3 center; and

4 (C) contains the entire area of each municipality included in the
5 region;

6 (3) gather information about regional economic issues, international
7 trade, and tourism from organizations;

8 (4) serve as liaison between organizations and other state agencies and
9 encourage other agencies to make resources available to help accomplish goals of the
10 organizations;

11 (5) assist each organization to

12 (A) provide services designed to encourage economic
13 development to local communities and businesses;

14 (B) collect and distribute economic information relevant to the
15 region;

16 (C) participate in state marketing campaigns and join state trade
17 missions that are relevant to the region; and

18 (D) develop and implement strategies to attract new industry,
19 expand international trade opportunities, and encourage tourism within the
20 region.

21 (b) Subject to (c) of this section, the department may make regional
22 development grants to organizations for projects the department determines will be of
23 value in encouraging economic development. During a fiscal year, the department may
24 make no more than 15 grants and may only make grants to one organization from a
25 particular region. An organization that is designated an economic development district
26 under 42 U.S.C. 3171 qualifies for grants under this subsection. The department shall
27 by regulation adopt procedures for applying for regional development grants, including
28 application deadlines. The department may by regulation establish additional grant
29 eligibility requirements.

30 (c) To qualify for a grant, a regional development organization must match the
31 grant by providing an amount of money from nonstate sources. The department shall

1 establish by regulation a formula that determines the amount of the match required
 2 under this subsection based on the capability of each organization to generate money
 3 from nonstate sources. The amount of match required may not exceed the amount of
 4 grant money and may not be less than 20 percent of the grant. The total amount of
 5 grant money provided to an organization during a fiscal year may not exceed
 6 \$100,000.

7 (d) There is established in the department the regional development fund
 8 consisting of appropriations to the fund. Money from the fund may be used only for
 9 regional development grants.

10 (e) In this section,

11 (1) "department" means the Department of Community and Economic
 12 Development;

13 (2) "regional development organization" or "organization" means a
 14 nonprofit organization or nonprofit corporation formed to encourage economic
 15 development within a particular region of the state that includes the entire area of each
 16 municipality within that region and that has a board of directors that represents the
 17 region's economic, political, and social interests.

18 * **Sec. 63.** AS 44.62.330(a)(24) is amended to read:

19 (24) Department of Health and Social Services **and Department of**
 20 **Education and Child Development**, relating to denial, involuntary conditioning, or
 21 revocation of a license issued under AS 14.37 or AS 47.35, or suspension of operations
 22 or admissions or assessment of an administrative fine under AS 14.37 or AS 47.35;

23 * **Sec. 64.** AS 46.03.900(33) is amended to read:

24 (33) "village" means a place within the unorganized borough or within
 25 a borough as to a power, function, or service that is not exercised or provided by the
 26 borough on an areawide or nonareawide basis that

27 (A) has irrevocably waived, in a form approved by the
 28 Department of Law, any claim of sovereign immunity that might arise under
 29 this chapter; and

30 (B) has

31 (i) a council organized under 25 U.S.C. 476 (sec. 16 of

1 the Indian Reorganization Act);

2 (ii) a traditional village council recognized by the United
3 States as eligible for federal aid to Indians; or

4 (iii) a council recognized by the commissioner of
5 community and **economic development** [REGIONAL AFFAIRS] under
6 regulations adopted by the Department of Community and **Economic**
7 **Development** [REGIONAL AFFAIRS] to determine and give official
8 recognition of village entities under **AS 44.33.755(b)** [AS 44.47.150(b)];

9 * **Sec. 65.** AS 46.04.900(22) is amended to read:

10 (22) "village" means a place within the unorganized borough or within
11 a borough as to a power, function, or service that is not exercised or provided by the
12 borough on an areawide or nonareawide basis that

13 (A) has irrevocably waived, in a form approved by the
14 Department of Law, any claim of sovereign immunity that might arise under
15 this chapter; and

16 (B) has

17 (i) a council organized under 25 U.S.C. 476 (sec. 16 of
18 the Indian Reorganization Act);

19 (ii) a traditional village council recognized by the United
20 States as eligible for federal aid to Indians; or

21 (iii) a council recognized by the commissioner of
22 community and **economic development** [REGIONAL AFFAIRS] under
23 regulations adopted by the Department of Community and **Economic**
24 **Development** [REGIONAL AFFAIRS] to determine and give official
25 recognition of village entities under **AS 44.33.755(b)** [AS 44.47.150(b)];

26 * **Sec. 66.** AS 46.08.900(16) is amended to read:

27 (16) "village" means a place within the unorganized borough or within
28 a borough if the power, function, or service for which a grant application under
29 AS 29.60.510 is submitted is not exercised or provided by the borough on an areawide
30 or nonareawide basis at the time the grant application is submitted that

31 (A) has irrevocably waived, in a form approved by the

1 Department of Law, any claim of sovereign immunity that might arise in
2 connection with the use of grant money under this chapter; and

3 (B) has

4 (i) a council organized under 25 U.S.C. 476 (sec. 16 of
5 the Indian Reorganization Act);

6 (ii) a traditional village council recognized by the United
7 States as eligible for federal aid to Indians; or

8 (iii) a council recognized by the commissioner of
9 community and **economic development** [REGIONAL AFFAIRS] under
10 regulations adopted by the Department of Community and **Economic**
11 **Development** [REGIONAL AFFAIRS] to determine and give official
12 recognition of village entities under **AS 44.33.755(b)** [AS 44.47.150(b)].

13 * **Sec. 67.** AS 46.40.170(b) is amended to read:

14 (b) At the request of the council, the Department of Community and **Economic**
15 **Development** [REGIONAL AFFAIRS] shall complete the district coastal management
16 program in accordance with this chapter and the guidelines and standards adopted by
17 the council for a coastal resource service area **that** [WHICH] has been organized but
18 **that** [WHICH] has failed to make substantial progress in the preparation of an
19 approvable district coastal management program within 18 months of certification of
20 the results of an organization election or **that** [WHICH] has not submitted for approval
21 to the council a program within 30 months of certification of the results of its
22 organization election. Preparation of the program shall be conducted in consultation
23 with the coastal resource service area and shall, to the maximum extent consistent with
24 this chapter, reflect the expressed concerns of the residents of the service area.

25 * **Sec. 68.** AS 46.40.190(a) is amended to read:

26 (a) A city within the coastal area **that** [WHICH] is not part of a coastal
27 resource service area shall be included for purposes of this chapter within an adjacent
28 coastal resource service area unless its governing body, by resolution adopted by a
29 majority of its membership, chooses to exclude the city from an adjacent coastal
30 resource service area and a copy of the resolution is filed with the commissioner of
31 community and **economic development** [REGIONAL AFFAIRS].

1 * **Sec. 69.** AS 46.40.210(2) is amended to read:

2 (2) "coastal resource district" means each of the following **that**
3 [WHICH] contains a portion of the coastal area of the state:

4 (A) unified municipalities;

5 (B) organized boroughs of any class **that** [WHICH] exercise
6 planning and zoning authority;

7 (C) home rule and first class cities of the unorganized borough
8 or within boroughs **that** [WHICH] do not exercise planning and zoning
9 authority;

10 (D) second class cities of the unorganized borough, or within
11 boroughs **that** [WHICH] do not exercise planning and zoning authority, **that**
12 [WHICH] have established a planning commission, and **that** [WHICH], in the
13 opinion of the commissioner of community and **economic development**
14 [REGIONAL AFFAIRS], have the capability of preparing and implementing
15 a comprehensive district coastal management program under AS 46.40.030;

16 (E) coastal resource service areas established and organized
17 under AS 29.03.020 and AS 46.40.110 - 46.40.180;

18 * **Sec. 70.** AS 47.05.030(a) is amended to read:

19 (a) Except as provided in (b) of this section and for purposes directly
20 connected with the administration of general assistance, adult public assistance, the day
21 care assistance program authorized under **AS 14.38.100 - 14.38.199** [AS 44.47.250 -
22 44.47.310], or the Alaska temporary assistance program, and in accordance with the
23 regulations of the department, a person may not solicit, disclose, receive, make use of,
24 or authorize, knowingly permit, participate in, or acquiesce in the use of, a list of or
25 names of, or information concerning, persons applying for or receiving the assistance
26 directly or indirectly derived from the records, papers, files, or communications of the
27 department or subdivisions or agencies of the department, or acquired in the course of
28 the performance of official duties.

29 * **Sec. 71.** AS 47.27.060 is amended to read:

30 **Sec. 47.27.060. Job development.** The department may establish cooperative
31 agreements with the Department of Labor **and Workforce Development**,

1 [DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS,] Department of
 2 Education and Child Development, and Department of Community [COMMERCE]
 3 and Economic Development, and with other public or private sector organizations for
 4 the purpose of developing job, training, and educational opportunities for families
 5 eligible for assistance under this chapter.

6 * **Sec. 72.** AS 47.27.900(2) is amended to read:

7 (2) "child care assistance" means payments made by the Department
 8 of Health and Social Services or the department of Education and Child
 9 Development [COMMUNITY AND REGIONAL AFFAIRS] to Alaska temporary
 10 assistance program participant families or to providers for the care of children of the
 11 participant families;

12 * **Sec. 73.** AS 47.35.005(a) is amended to read:

13 (a) The purpose of this chapter is to establish and maintain standard levels for
 14 services offered to children in [CHILD CARE FACILITIES,] foster homes [,] and
 15 residential child care facilities; services offered by child placement agencies; and
 16 services offered to pregnant individuals in maternity homes. [THE LEGISLATURE
 17 RECOGNIZES THE RESPONSIBILITY OF PARENTS TO SELECT AND
 18 MONITOR CAREGIVERS FOR THEIR CHILDREN IN ORDER TO ENSURE A
 19 REASONABLY SAFE AND DEVELOPMENTALLY APPROPRIATE CHILD CARE
 20 ENVIRONMENT.] The community care licensing procedures in this chapter are
 21 intended to reduce predictable risk of harm to children and to provide support services
 22 to those providing child care or services.

23 * **Sec. 74.** AS 47.35.010(a) is amended to read:

24 (a) The department may

25 (1) license and supervise foster homes, [CHILD CARE FACILITIES,]
 26 residential child care facilities, semi-secure residential child care facilities, secure
 27 residential psychiatric treatment centers, child placement agencies, and maternity
 28 homes;

29 (2) investigate applicants, licensees, and persons that the department
 30 reasonably believes are operating a facility without a license in violation of this
 31 chapter;

1 (3) adopt regulations to implement the provisions of this chapter,
 2 including regulations establishing licensure and renewal procedures, standards, and
 3 fees; establishing requirements for operation of facilities or agencies licensed under this
 4 chapter; and distinguishing between types of [CHILD CARE] facilities;

5 (4) enter into agreements with private entities, municipalities, or
 6 individuals to investigate and make recommendations to the department for the
 7 licensing and supervision of foster homes, [CHILD CARE FACILITIES,] residential
 8 child care facilities, semi-secure residential child care facilities, secure residential
 9 psychiatric treatment centers, child placement agencies, and maternity homes under
 10 procedures and standards of operation established by the department.

11 * **Sec. 75.** AS 47.35.017(a) is amended to read:

12 (a) Application for a license to operate a foster home, [CHILD CARE
 13 FACILITY,] residential child care facility, semi-secure residential child care facility,
 14 secure residential psychiatric treatment center, child placement agency, or maternity
 15 home shall be made to the department on a form provided by the department and shall
 16 be accompanied by any applicable fees established by the department under
 17 AS 47.35.010(a)(3).

18 * **Sec. 76.** AS 47.35.900(10) is amended to read:

19 (10) "facility" means the administration, program, and physical plant
 20 of a foster home, [CHILD CARE FACILITY,] residential child care facility, or
 21 maternity home;

22 * **Sec. 77.** AS 47.90.040 is amended to read:

23 **Sec. 47.90.040. Consultation and coordination.** The commissioner shall
 24 consult and cooperate with the Department of Health and Social Services; the
 25 Department of Education **and Child Development;** [, INCLUDING] the **director of**
 26 **the** division of vocational rehabilitation; the University of Alaska, community colleges,
 27 and other colleges as appropriate; [THE DEPARTMENT OF LABOR, INCLUDING
 28 THE DIVISION OF EMPLOYMENT SECURITY;] and other persons or agencies that
 29 the commissioner considers appropriate in the implementation of this chapter.

30 * **Sec. 78.** AS 47.90.070(1) is amended to read:

31 (1) "commissioner" means the commissioner of **labor and workforce**

1 **development** [COMMUNITY AND REGIONAL AFFAIRS];

2 * **Sec. 79.** REPEALER. AS 23.15.070, 23.15.210(4), 23.15.611, 23.15.614;
3 AS 23.20.130(d)(3); AS 39.25.120(c)(21); AS 42.45.020(b)(1), 42.45.030; AS 44.17.005(17);
4 AS 44.29.020(a)(14); AS 44.33.120(a); AS 44.47.010, 44.47.020, 44.47.050, 44.47.051,
5 44.47.055, 44.47.080, 44.47.090, 44.47.092, 44.47.095, 44.47.100, 44.47.130, 44.47.140,
6 44.47.145, 44.47.150, 44.47.155, 44.47.250, 44.47.260, 44.47.270, 44.47.280, 44.47.290,
7 44.47.300, 44.47.305, 44.47.310, 44.47.565, 44.47.567, 44.47.569, 44.47.571, 44.47.573,
8 44.47.575, 44.47.577, 44.47.579, 44.47.581, 44.47.583, 44.47.700, 44.47.710, 44.47.720,
9 44.47.730, 44.47.750, 44.47.752, 44.47.754, 44.47.756, 44.47.758, 44.47.760, 44.47.762,
10 44.47.764, 44.47.766, 44.47.768, 44.47.770, 44.47.772, 44.47.800, 44.47.810, 44.47.820,
11 44.47.900, 44.47.980, 44.47.998; and AS 45.90.020(b) are repealed.

12 * **Sec. 80.** REPEALER. AS 44.19.620, 44.19.621, 44.19.622, 44.19.623, 44.19.624,
13 44.19.625, 44.19.626, 44.19.627; AS 44.33.895, added by sec. 62 of this Act; and
14 AS 47.35.010(b), 47.35.015(a), 47.35.043(b), 47.35.900(4), 47.35.900(5) are repealed July 1,
15 2000.

16 * **Sec. 81.** TRANSITIONAL PROVISIONS. (a) Litigation, hearings, investigations, and
17 other proceedings pending under a law repealed or amended by this Act, or in connection with
18 functions transferred by this Act, continue in effect and may be completed notwithstanding
19 a transfer or repeal provided for in this Act.

20 (b) Certificates, orders, and regulations in effect immediately before the effective date
21 of a law affected by this Act that were issued or adopted under authority of a law amended
22 or repealed by this Act remain in effect for the term issued and shall be enforced by the
23 agency to which the function is transferred under this Act until revoked, vacated, or amended
24 by the agency to which the function is transferred.

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

30 (d) Contracts, rights, liabilities, and obligations created by or under a law repealed or
31 amended by this Act, and in effect on the day before the effective date of the repeal or

1 amendment, remain in effect notwithstanding this Act's taking effect.

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

5 * **Sec. 82.** REGULATIONS. A department affected by this Act may proceed to adopt
6 regulations to implement this Act. The regulations take effect under AS 44.62 (Administrative
7 Procedure Act) but not before the effective date of the corresponding enabling statute.

8 * **Sec. 83.** REVISOR'S INSTRUCTION REGARDING DEPARTMENT OF COMMERCE
9 AND ECONOMIC DEVELOPMENT. Wherever in the Alaska Statutes and the Alaska
10 Administrative Code the terms "Department of Commerce and Economic Development" and
11 "commissioner of commerce and economic development" are used, they shall be read,
12 respectively, as "Department of Community and Economic Development" and "commissioner
13 of community and economic development" when to do so would be consistent with the
14 changes made by this Act.

15 * **Sec. 84.** REVISOR'S INSTRUCTION REGARDING DEPARTMENT OF EDUCATION.
16 Wherever in the Alaska Statutes and the Alaska Administrative Code the terms "Department
17 of Education" and "commissioner of education" are used, they shall be read, respectively, as
18 "Department of Education and Child Development" and "commissioner of education and child
19 development" when to do so would be consistent with the changes made by this Act.

20 * **Sec. 85.** REVISOR'S INSTRUCTION REGARDING DEPARTMENT OF LABOR.
21 Wherever in the Alaska Statutes and the Alaska Administrative Code the terms "Department
22 of Labor" and "commissioner of labor" are used, they shall be read, respectively, as
23 "Department of Labor and Workforce Development" and "commissioner of labor and
24 workforce development" when to do so would be consistent with the changes made by this
25 Act.

26 * **Sec. 86.** SPECIFIC INSTRUCTIONS TO REVISOR OF STATUTES CONCERNING
27 SPECIFIC REFERENCES. The revisor of statutes shall change references to "community and
28 regional affairs" to read "community and economic development" in the following statutes:

29 (1) AS 08.40.190(b)(2)(A), 08.40.390(b)(2)(A);

30 (2) AS 14.08.031(a), 14.08.051(a); AS 14.17.410(b)(2), 14.17.410(c)(1),
31 14.17.410(e)(1)(B), 14.17.490(b), 14.17.510(a);

- 1 (3) AS 15.07.055(a)(3); AS 15.13.010(a)(2);
 2 (4) AS 18.26.030(a)(3); AS 18.56.030(a)(2), 18.56.097;
 3 (5) AS 19.30.131(a), 19.30.131(b), 19.30.131(c);
 4 (6) AS 26.23.071(b);
 5 (7) AS 28.01.010(b);
 6 (8) AS 29.60.120(d), 29.60.370(a), 29.60.620(b), 29.60.650(2);
 7 AS 29.65.050(c), 29.65.050(d), 29.65.120; AS 29.71.800(5), 29.71.800(8);
 8 (9) AS 37.05.317, 37.05.530(c); AS 37.06.010(g), 37.06.020(l), 37.06.030(c);
 9 (10) AS 41.15.180(a), 41.15.180(b), 41.15.180(f), 41.15.180(g);
 10 (11) AS 42.45.060(c), 42.45.990(1);
 11 (12) AS 43.75.137; AS 43.77.040(b), 43.77.060(d);
 12 (13) AS 44.21.200(a)(2); AS 44.85.030, 44.85.320(b);
 13 (14) AS 46.08.040(a); 46.40.120(b), 46.40.120(d), 46.40.140(c), 46.40.170(a),
 14 46.40.180(a), 46.40.180(d), 46.40.210(5);
 15 (15) AS 47.18.010(c); AS 47.80.090(8).

16 * **Sec. 87.** INSTRUCTIONS CONCERNING AS 25.27.244. Notwithstanding sec. 54,
 17 ch. 132, SLA 1998, the amendment made to AS 25.27.244(s)(2) by sec. 28 of this Act shall
 18 remain in effect on and after July 1, 2001, unless that amendment is repealed or amended by
 19 a law enacted after the effective date of this bill section.

20 * **Sec. 88.** LOAN COMMITTEE UNDER AS 42.45.060. Notwithstanding
 21 AS 42.45.060(a), as amended by sec. 47 of this Act, all public members on the loan
 22 committee established under AS 42.45.060 whose terms have not expired by July 1, 1999,
 23 may retain their positions on the committee until their terms expire.

24 * **Sec. 89.** IMPLEMENTATION OF SECTIONS 83 - 87 OF THIS ACT. Under
 25 AS 01.05.031, the revisor of statutes shall implement secs. 83 - 87 in the statutes and, under
 26 AS 44.62.125(b)(6), the regulations attorney shall implement secs. 83 - 87 in the
 27 administrative code.

28 * **Sec. 90.** Except as provided in secs. 91 and 92 of this Act, this Act takes effect July 1,
 29 1999.

30 * **Sec. 91.** Section 82 of this Act takes effect immediately under AS 01.10.070(c).

31 * **Sec. 92.** The amendment made to AS 14.35.020(b)(5) by sec. 6 of this Act, the

- 1 amendment made to AS 14.42.015(a)(5) by sec. 12 of this Act, and secs. 3, 4, 7, 9 - 11, 13,
- 2 23, 25, 27, 28, 46, 63, and 87 of this Act take effect July 1, 2000.