

Introduced: 4/28/76  
Referred: Health, Education and  
Social Services

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 HCS SENATE BILL NO. 753 (Fin) am A

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to day care."

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

8 \* Section 1. AS 47.35.010(1) is amended to read:

9 (1) license and supervise boarding homes, foster homes, group  
10 homes, [NURSERIES,] and institutions caring for children;

11 \* Sec. 2. AS 47.35.010(4) is amended to read:

12 (4) contract with private or municipal agencies to investi-  
13 gate and make recommendations to the department for the licensing and  
14 supervision of boarding homes, foster homes, group homes, [NURSERIES]  
15 and institutions caring for children under procedures and standards of  
16 operation established by the department; and

17 \* Sec. 3. AS 47.35.020 is amended to read:

18 Sec. 47.35.020. LICENSE OR PERMIT REQUIRED. No person may, with-  
19 out a license or permit to do so, [(1)] maintain or conduct a boarding  
20 home, foster home, group home, or [NURSERY,] institution [OR OTHER PLACE  
21 FOR THE REGULAR RECEPTION OR CARE OF CHILDREN UNDER 16 YEARS OF AGE, OR  
22 (2) ENGAGE IN THE BUSINESS OF RECEIVING OR CARING FOR CHILDREN UNDER 16  
23 YEARS OF AGE, WITH OR WITHOUT COMPENSATION, IN WHICH A CHILD, NOT  
24 RELATED BY BLOOD OR MARRIAGE, OR LEGAL ADOPTION, TO THE OWNER, OPERATOR  
25 OR MANAGER OF THE BUSINESS IS LODGED OR BOARDED].

26 \* Sec. 4. AS 47.35.040(a) is amended to read:

27 (a) The department shall issue a license or permit to conduct a  
28 boarding home, foster home, group home, [NURSERY] or institution if it  
29 determines that the boarding home, foster home, group home, [NURSERY] or

1 institution meets the standards for operation set by the department.

2 \* Sec. 5. AS 47.35.080 is repealed and re-enacted to read:

3 Sec. 47.35.080. DEFINITIONS. In secs. 10 - 100 of this chapter

4 (1) "boarding home or foster home" means an establishment  
5 providing regular care for less than six children not related by blood  
6 or marriage to the foster parents but does not include an establishment  
7 providing only day care;

8 (2) "day care" means the care, supervision, and guidance of a  
9 child or children unaccompanied by a parent or legal guardian on a  
10 regular basis for periods of less than 24 hours a day;

11 (3) "institution" means an establishment providing regular  
12 care and services for 11 or more children not related by blood or mar-  
13 riage to the owner or operator but does not include an establishment  
14 providing only day care;

15 (4) "group home" means a small establishment providing care  
16 and services for 10 or fewer children not related by blood, marriage or  
17 legal adoption to the foster parent and which is

18 (A) noncontiguous to another institution;

19 (B) stresses normal family living; and

20 (C) not providing day care.

21 \* Sec. 6. AS 44.47.270 is amended to read:

22 Sec. 44.47.270. CONDITIONS OF RECEIPT OF BENEFITS. Benefits may  
23 be paid for the care of children of a low income family only if a parent  
24 or guardian, because of the day care, is freed to work or to attend  
25 school. In no event shall benefits be paid for the care of children of  
26 a family where one parent or guardian is not working, participating in a  
27 work incentive program established by AS 23.15.650, and by sec. 433(e)(1)  
28 of the Federal Social Security Act (42 U.S.C. 601 et seq. as amended)  
29 or attending school and is physically and mentally capable of caring for

1 the children.

2 \* Sec. 7. AS 47.05.010 is amended by adding a new subsection to read:

3 (b) The department may not expend state or federal funds for the  
4 provision of day care to families receiving assistance under AS 47.25.-  
5 310 - 47.25.410 who also meet the conditions for the receipt of and are  
6 eligible for benefits enumerated under AS 44.47.250 - 44.47.310.

7 \* Sec. 8. AS 29.48.035(a) is amended by adding a new paragraph to read:

8 (20) licensing of day care facilities

9 \* Sec. 9. AS 29.48.035(b) is amended to read:

10 (b) First and second class boroughs may exercise the powers con-  
11 ferred by (a) of this section only after they have been assumed in the  
12 manner required under AS 29.33.250 - 29.33.290 for areawide exercise or  
13 in the manner required under AS 29.38.010 - 29.38.050 for exercise  
14 in the borough area outside cities or are conferred by sec. 20 of this  
15 chapter for exercise in the borough area outside cities. However, as to  
16 powers conferred under (a)(5), (17), [AND] 18 and (20) of this section,  
17 exercise of the powers areawide or, as to (a)(5), [AND] (17) and (20),  
18 in the borough area outside cities is at the option of the borough and  
19 is not subject to those restrictions on acquisition of additional borough  
20 powers. Upon adoption of a borough ordinance to provide for  
21 areawide exercise of the powers specified, no home rule or general law  
22 city within the borough may exercise the powers, unless the borough  
23 ordinance provides otherwise or the borough by subsequent ordinance  
24 ceases to exercise the power.

25 \* Sec. 10. AS 44.47.310(1) is repealed and re-enacted to read:

26 (1) "day care facility" means a center or home providing  
27 day care located in a city, organized borough, or the unorganized bor-  
28 ough, which, if located within the boundaries of a city or organized  
29 borough, is licensed by that home rule or general law city or borough;

1 or, alternatively, is a home or center recognized by the federal govern-  
2 ment for the care of children;

3 \* Sec. 11. AS 44.47.310(3) is repealed and re-enacted to read:

4 (3) "child" means any person below seven years of age or a  
5 child determined to be eligible for assistance under AS 47.25.310 -  
6 47.25.420 and living with a family receiving benefits under AS 47.25.-  
7 310 - 47.25.420;

8 \* Sec. 12. AS 44.47.310 is amended by adding a new paragraph to read:

9 (4) "day care" means the care, supervision, and guidance of a  
10 child or children unaccompanied by a parent or legal guardian on a  
11 regular basis for periods of less than 24 hours a day.  
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