

Introduced: 3/15/82  
Referred: Health, Education &  
Social Services and Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO. 858

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the licensing of child care facili-  
7 ties and certification of pre-elementary school pro-  
8 grams; and providing for an effective date."

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

10 \* Section 1. AS 14.07.020(8) is repealed and reenacted to read:

11 (8) in cooperation with the Department of Health and Social  
12 Services, exercise general supervision over the educational component of  
13 a public or private child care center or child care home that is licensed  
14 under AS 47.35.010 - 47.35.080 and whose educational program is certi-  
15 fied by the department;

16 \* Sec. 2. AS 47.35.010 is amended to read:

17 CHAPTER 35. COMMUNITY CARE FACILITIES [PRIVATE INSTITUTIONS].

18 ARTICLE 1. FOSTER HOMES, RESIDENTIAL FACILITIES FOR  
19 CHILDREN AND DEPENDENT ADULTS, AND CHILD CARE FACILITIES

20 [BOARDING HOMES, AND INSTITUTIONS FOR CHILDREN].

21 Sec. 47.35.010. POWERS OF DEPARTMENT. (a) The department may

22 (1) license and supervise facilities [BOARDING HOMES, FOSTER  
23 HOMES, GROUP HOMES, NURSERIES, INSTITUTIONS CARING FOR CHILDREN AND  
24 FOSTER HOMES, GROUP HOMES AND INSTITUTIONS CARING FOR DEPENDENT ADULTS];

25 (2) investigate and supervise licensees;

26 (3) enforce the standards established by it;

27 (4) contract with private or municipal agencies to investi-  
28 gate and make recommendations to the department for the licensing and  
29 supervision of facilities [BOARDING HOMES, FOSTER HOMES, GROUP HOMES,

1 NURSERIES, INSTITUTIONS CARING FOR CHILDREN AND FOSTER HOMES, GROUP  
2 HOMES AND INSTITUTIONS CARING FOR DEPENDENT ADULTS] under procedures and  
3 standards of operation established by the department.

4 (b) The department shall, within 90 days after receiving a written  
5 request [THAT IT DO SO], delegate its powers relating to child care  
6 centers and child care homes [NURSERIES] under this section and under  
7 AS 47.35.040, 47.35.050 and 47.35.060 to a municipality that [WHICH] has  
8 adopted an ordinance providing for child [DAY] care licensing under home  
9 rule powers or as authorized under AS 29.48.035(a)(20). A municipality  
10 to which these powers have been delegated may waive or modify any regula-  
11 tion or standard established by the department under the authority of  
12 AS 47.35.010 - 47.35.080 as it applies to child care centers or child  
13 care homes [NURSERIES] or the application of any such regulation or  
14 standard as it applies to a particular child [DAY] care licensee but  
15 must notify the department of any waiver.

16 \* Sec. 3. AS 47.35.020 is repealed and reenacted to read:

17 Sec. 47.35.020. LICENSE REQUIRED. Unless licensed under this  
18 chapter a person, including a municipality, may not

19 (1) maintain or conduct a child foster home, residential  
20 child care facility, or other place for the regular reception or care of  
21 children under 16 years of age;

22 (2) maintain or conduct a foster home or adult residential  
23 care facility for the care of dependent adults; or

24 (3) engage in the business of receiving or caring for children  
25 under 14 years of age in a child care center or child care home lodging  
26 five or more children unrelated by blood, marriage, or legal adoption to  
27 the owner, operator, or manager of the business.

28 \* Sec. 4. AS 47.35.030 is amended to read:

29 Sec. 47.35.030. AUTHORITY TO ISSUE REGULATIONS. The department

1 may adopt regulations and standards consistent with other requirements  
2 of law. The department may not prohibit [THIS AUTHORITY DOES NOT DENY]  
3 a religious group from establishing and operating a facility [AN INSTI-  
4 TUTION] solely because of the prior installation or operation of another  
5 religious group in the same area. [THE AUTHORITY TO ADOPT REGULATIONS  
6 AND STANDARDS SHALL BE EXERCISED TO INSURE COMPLIANCE WITH THE INTENTS  
7 AND PURPOSE OF THIS CHAPTER.] The department may inspect and examine an  
8 institution, home or place, or the performance of a service.

9 \* Sec. 5. AS 47.35.060 is amended to read:

10 Sec. 47.35.060. RECORDS REQUIRED. Each licensee [OR PERMIT HOLDER]  
11 shall keep records regarding each child or adult in its control and  
12 care, or placed by it, which the department prescribes, and shall report  
13 to the department the facts which the department requires with reference  
14 to the children or adults. All records regarding individuals placed for  
15 care in a facility [AN INSTITUTION OR HOME] under this chapter are  
16 confidential and shall be safeguarded from improper disclosure by the  
17 agency or department.

18 \* Sec. 6. AS 47.35.075 is amended to read:

19 Sec. 47.35.075. LICENSURE OF PROVIDERS OF CARE FOR DEPENDENT  
20 ADULTS BY MUNICIPALITIES. A first or second class borough or a first or  
21 second class city outside a first or second class borough may license  
22 and supervise facilities [INSTITUTIONS] caring for dependent adults. If  
23 a borough or city chooses not to license care providers for dependent  
24 adults, the department shall be the licensing authority; if a borough or  
25 city chooses to license care providers for dependent adults, the borough  
26 or city may exercise any power or responsibility granted to the depart-  
27 ment under this chapter and shall enforce standards and regulations  
28 adopted by the department under AS 47.35.030.

29 \* Sec. 7. AS 47.35.080 is amended by adding new paragraphs to read:

1 (6) "adult foster home" means an occupied residence in which  
2 24-hour care is provided for not more than five residents, who because  
3 of age, infirmities, or handicaps, require continuous accommodations and  
4 care, and the immediate availability of the foster care provider;

5 (7) "adult residential care facility" means a place providing  
6 24-hour care for an adult resident who, because of age, infirmities,  
7 pregnancy, or handicaps, requires continuous accommodations and care,  
8 and the immediate availability of care providers;

9 (8) "child care center" means a place providing regular care  
10 for any part of a day, supervision, guidance, or education for a child  
11 unrelated by blood, marriage, or adoption to the operator of the center;

12 (9) "child care home" means an occupied residence providing  
13 regular care for any part of a day, supervision, guidance, or education  
14 for not more than 10 children, some of whom are not related by blood,  
15 marriage, or adoption to the operator of the home;

16 (10) "child foster home" means an occupied residence in which  
17 24-hour care is regularly provided for not more than five children who  
18 are not related by blood, marriage, or adoption to the foster parent;

19 (11) "facility" means an adult foster home, adult residential  
20 care facility, child care center, child care home, child foster home, or  
21 residential child care facility;

22 (12) "residential child care facility" means a facility that  
23 provides 24-hour care for a child unrelated by blood, marriage, or  
24 adoption to the operator of the facility.

25 \* Sec. 8. AS 47.35.090 is amended to read:

26 Sec. 47.35.090. LICENSING AND SUPERVISION OF MATERNITY HOMES.  
27 Maternity homes shall be licensed and supervised in the same manner as  
28 facilities under [BOARDING HOMES OR FOSTER HOMES, NURSERIES AND OTHER  
29 INSTITUTIONS CARING FOR CHILDREN AS PROVIDED IN] AS 47.35.010 - 47.35.-

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

080. In this section "maternity home" means an institution or place of residence whose primary function is to give care to pregnant girls or women, regardless of age, before or during confinement, or which provides care, as needed, to mothers and their infants after confinement [, WITH OR WITHOUT COMPENSATION].

\* Sec. 9. AS 47.35.080(1) and (3) - (5) are repealed.

\* Sec. 10. This Act takes effect immediately in accordance with AS 01.10.-070(c).