

BY REP. TAYLOR

1 IN THE HOUSE

2

HOUSE BILL NO. 437

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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

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

8 * Section 1. FINDINGS AND INTENT. (a) The legislature finds that it
9 is in the public interest to foster the productivity of workers in the
10 state and to encourage and assist Alaska parents to further their own
11 formal education. The achievement of these goals will be served by estab-
12 lishing facilities for quality child care services in or near the work-
13 place, on the campuses of the University of Alaska and the state's commu-
14 nity colleges, and in school district and municipal buildings. To that
15 end, this Act provides for the creation of privately operated child care
16 centers in public buildings.

17 (b) It is also the intent of the legislature to encourage private
18 employers to help provide adequate child care for their employees by estab-
19 lishing a grant program for businesses who provide that assistance.

20 * Sec. 2. AS 14.14 is amended by adding new sections to read:

21

ARTICLE 3. CHILD CARE CENTERS.

22

Sec. 14.14.320. CHILD CARE CENTERS IN SCHOOL BUILDINGS. (a)

23

The person or agency responsible for planning the construction, expan-
24 sion, or major renovation of a building owned or leased by a school
25 district shall determine the need for a child care center in the
26 building. The determination shall be based on an assessment of

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(1) the child care needs of public and private employees
28 who work in the building or in neighboring buildings;

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(2) the child care needs of students who attend classes or

1 other school functions in the building or in neighboring buildings;

2 (3) the availability of licensed child care centers located
3 within a convenient distance from the building.

4 (b) If it is determined under (a) of this section that a child
5 care center is needed in the building, then (1) plans for construc-
6 tion, expansion, or major renovation of the building must include
7 plans for a child care center in the building to accommodate the
8 number of children for which the assessment determined there was a
9 need for child care; and (2) a child care center shall be established
10 in the building. The child care center shall be designed to meet and
11 shall meet all applicable licensing requirements.

12 (c) The person or agency responsible for assigning or leasing
13 space in a building in which a child care center under this section is
14 determined to be needed and is required to be located shall contract
15 for the lease of space in the building to a private licensed child
16 care services provider for the operation of the child care center.
17 The lease must provide for the rental space at a rate equal to the
18 average cost per square foot of space leased by child care providers
19 in the community in which the building is located as determined by the
20 person or agency responsible for assigning or leasing the space.

21 (d) Use of a child care center in a building owned or leased by
22 the school district shall be open to the public. However, preference
23 may be made for the child care needs of the public and private employ-
24 ees working in or near the building.

25 (e) The requirements of (a) and (b) of this section do not apply
26 to a building leased by a school district under a prebuilt lease
27 providing for renovations for the school district, if the building
28 cannot meet or be renovated to meet the indoor and outdoor space
29 requirements for a child care center that are established under

1 regulations adopted by the Department of Health and Social Services.

2 (f) The Department of Education may adopt regulations to imple-
3 ment this section.

4 (g) This section does not apply to the renewal of a lease ini-
5 tially entered into before the effective date of this section.

6 Sec. 14.14.330. LEASES. (a) Six months before a school dis-
7 trict renews a building lease that was originally entered into before
8 the effective date of this Act, the school district shall determine
9 the need for a child care center in the building as required for other
10 school district buildings under AS 14.14.320(a).

11 (b) If the school district determines under (a) of this section
12 that a child care center is needed in the building, the school dis-
13 trict shall lease additional space in the building for a child care
14 center if additional space is available at a competitive price and
15 suitable for the intended purpose.

16 (c) If the school district leases additional space under (b) of
17 this section, the school district shall lease part of its leased space
18 to a private licensed child care services provider and meet the re-
19 quirements of AS 14.14.320(c) - (d).

20 (d) If the school district is not able to lease additional space
21 under (b) of this section, the school district shall attempt to lease
22 appropriate space near the leased building for a child care center or
23 investigate the possibility of not renewing its lease and leasing new
24 space that will be adequate for all of its needs, including child care
25 services.

26 Sec. 14.14.340. DEFINITIONS. In AS 14.14.320 - 14.14.340,

27 (1) "building" means a building in which the space occupied
28 by school district employees is used primarily for administrative,
29 clerical, educational, or executive functions;

1 (2) "district" means a city or borough school district or
2 regional educational attendance area;

3 (3) "leased" means leased under any leasing arrangement,
4 including a prebuilt lease with provisions for renovations for the
5 school district and a lease for a building to be built according to
6 school district specifications.

7 * Sec. 3. AS 29.10.200 is amended by adding a new paragraph to read:

8 (51) AS 29.55.100 - 29.55.120 (child care facilities)

9 * Sec. 4. AS 29.55 is amended by adding new sections to read:

10 ARTICLE 2. CHILD CARE CENTERS.

11 Sec. 29.55.100. CHILD CARE CENTERS IN MUNICIPAL BUILDINGS. (a)

12 The person or agency responsible for planning the construction, expansion,
13 or major renovation of a building owned or leased by a municipality shall determine the need for a child care center in the building.
14 The determination shall be based on an assessment of

15 (1) the child care needs of public and private employees
16 who work in the building or in neighboring buildings;

17 (2) the availability of licensed child care centers located
18 within a convenient distance from the building.

19 (b) If it is determined under (a) of this section that a child
20 care center is needed in the building, then (1) plans for construction,
21 expansion, or major renovation of the building must include
22 plans for a child care center in the building to accommodate the
23 number of children for which the assessment determined there was a
24 need for child care; and (2) a child care center shall be established
25 in the building. The child care center shall be designed to meet and
26 shall meet all applicable licensing requirements.

27 (c) The person or agency responsible for assigning or leasing
28 space in a building in which a child care center under this section is
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1 determined to be needed and is required to be located shall contract
2 for the lease of space in the building to a private licensed child
3 care services provider for the operation of the child care center.
4 The lease must provide for the rental space at a rate equal to the
5 average cost per square foot of space leased by child care providers
6 in the community in which the building is located as determined by the
7 person or agency responsible for assigning or leasing the space.

8 (d) Use of a child care center in a building owned or leased by
9 a municipality shall be open to the public. However, preference may
10 be made for the child care needs of the public and private employees
11 working in or near the building.

12 (e) The requirements of (a) and (b) of this section do not apply
13 to a building leased by the municipality under a prebuilt lease pro-
14 viding for renovations for the municipality, if the building cannot
15 meet or be renovated to meet the indoor and outdoor space requirements
16 for a child care center that are established under regulations adopted
17 by the Department of Health and Social Services.

18 (f) The Department of Community and Regional Affairs may adopt
19 regulations to implement this section.

20 (g) This section does not apply to the renewal of a lease ini-
21 tially entered into before the effective date of this section.

22 (h) This section applies to home rule and general law municipal-
23 ities.

24 Sec. 29.55.110. LEASES. (a) Six months before a municipality
25 renews a building lease that was originally entered into before the
26 effective date of this Act, the municipality shall determine the need
27 for a child care center in the building as required for other munic-
28 ipal buildings under AS 29.55.100(a).

29 (b) If the municipality determines under (a) of this section

1 that a child care center is needed in the building, the municipality
2 shall lease additional space in the building for a child care center
3 if additional space is available at a competitive price and suitable
4 for the intended purpose.

5 (c) If the municipality leases additional space under (b) of
6 this section, the municipality shall lease part of its leased space to
7 a private licensed child care services provider and meet the require-
8 ments of AS 29.55.100(c) - (d).

9 (d) If the municipality is not able to lease additional space
10 under (b) of this section, the municipality shall attempt to lease
11 appropriate space near the leased building for a child care center or
12 investigate the possibility of not renewing its lease and leasing new
13 space that will be adequate for all of its needs, including child care
14 services.

15 (e) This section applies to home rule and general law municipal-
16 ities.

17 Sec. 29.55.120. DEFINITIONS. In AS 29.55.100 - 29.55.120,

18 (1) "building" means a building in which the space occupied
19 by a municipality's employees is used primarily for administrative,
20 clerical, educational, or executive functions;

21 (2) "leased" means leased under any leasing arrangement,
22 including a prebuilt lease with provisions for renovations for the
23 municipality and a lease for a building to be built according to a
24 municipality's specifications;

25 (3) "municipality" has the meaning given in AS 01.10.060,
26 except that it does not include cities with a population of less than
27 500, as determined by the last official federal census.

28 * Sec. 5. AS 35.10 is amended by adding new sections to read:

29 Sec. 35.10.017. CHILD CARE CENTERS IN STATE BUILDINGS. (a) The

1 person or agency responsible for planning the construction, expansion,
2 or major renovation of a building owned or leased by the state shall
3 determine the need for a child care center in the building. The
4 determination shall be based on an assessment of

5 (1) the child care needs of public and private employees
6 who work in the building or in neighboring buildings;

7 (2) the child care needs of students who attend classes or
8 other school functions in the building or in neighboring buildings;

9 (3) the availability of licensed child care centers located
10 within a convenient distance from the building.

11 (b) If it is determined under (a) of this section that a child
12 care center is needed in the building, then (1) plans for construc-
13 tion, expansion, or major renovation of the building must include
14 plans for a child care center in the building to accommodate the
15 number of children for which the assessment determined there was a
16 need for child care; and (2) a child care center shall be established
17 in the building. The child care center shall be designed to meet and
18 shall meet all applicable licensing requirements.

19 (c) The person or agency responsible for assigning or leasing
20 space in a building in which a child care center under this section is
21 determined to be needed and is required to be located shall contract
22 for the lease of space in the building to a private licensed child
23 care services provider for the operation of the child care center.
24 The lease must provide for the rental space at a rate equal to the
25 average cost per square foot of space leased by child care providers
26 in the community in which the building is located as determined by the
27 person or agency responsible for assigning or leasing the space.

28 (d) Use of a child care center in a building owned or leased by
29 the state is open to the public. However, preference may be made for

1 the child care needs of the public and private employees working in or
2 near the building.

3 (e) The requirements of (a) and (b) of this section do not apply
4 to a building leased by the state under a prebuilt lease providing for
5 renovations for the state, if the building cannot meet or be renovated
6 to meet the indoor and outdoor space requirements for a child care
7 center that are established under regulations adopted by the Depart-
8 ment of Health and Social Services.

9 (f) The Department of Administration may adopt regulations to
10 implement this section.

11 (g) This section does not apply to the renewal of leases ini-
12 tially entered into before the effective date of this section.

13 Sec. 35.10.018. LEASES. (a) Six months before renewing a state
14 building lease that was originally entered into before the effective
15 date of this Act, the person or agency responsible for the lease shall
16 determine the need for a child care center in the building as required
17 for other state buildings under AS 35.10.017(a).

18 (b) If the person or agency determines under (a) of this section
19 that a child care center is needed in the building, the person or
20 agency shall lease additional space in the building for a child care
21 center if additional space is available at a competitive price and
22 suitable for the intended purpose.

23 (c) If the person or agency leases additional space under (b) of
24 this section, the person or agency shall lease part of its leased
25 space to a private licensed child care services provider and meet the
26 requirements of AS 35.10.017(c) - (d).

27 (d) If the person or agency is not able to lease additional
28 space under (b) of this section, the person or agency shall attempt to
29 lease appropriate space near the leased building for a child care

1 center or investigate the possibility of not renewing its lease and
2 leasing new space that will be adequate for all of its needs, includ-
3 ing child care services.

4 Sec. 35.10.019. DEFINITIONS. In AS 35.10.017 - 35.10.019,

5 (1) "building" means a building in which the space occupied
6 by state employees is used primarily for administrative, clerical,
7 educational, or executive functions;

8 (2) "leased" means leased under any leasing arrangement,
9 including a prebuilt lease with provisions for renovations for the
10 state and a lease for a building to be built according to state speci-
11 fications;

12 (3) "state" includes the University of Alaska, the Alaska
13 Railroad Corporation, and other agencies of the executive, legisla-
14 tive, and judicial branches of state government.

15 * Sec. 6. AS 44.47 is amended by adding a new section to read:

16 Sec. 44.47.325. CHILD CARE PARTNERSHIP GRANTS. (a) A private
17 employer that contributes to the cost of child care for its employees'
18 dependents may annually apply to the department for a child care
19 partnership matching grant in an amount equal to 50 percent of that
20 employer's eligible costs for child care for its employees' depen-
21 dents. An employer may not receive more than \$100,000 per year in
22 matching grants under this section.

23 (b) Costs of child care that are eligible under (a) of this
24 section include

25 (1) per-child cost of operation of onsite child care con-
26 tributed to by the employer;

27 (2) the cost of care purchased by the employer on behalf of
28 its employees;

29 (3) the cost of care provided by the employer to its

1 employees in the form of vouchers;

2 (4) the costs of administrative services as described in
3 (c) of this section;

4 (5) other costs as approved by the department under its
5 regulations.

6 (c) An employer receiving a matching grant under (a) of this
7 section shall maintain complete records of all child care expenditures
8 made by the employer. The reimbursable cost of these services under
9 (b)(4) of this section may not exceed an amount that equals 10 percent
10 of the per-child cost of care approved by the department. If an
11 employer elects to engage a third party to maintain these records, the
12 cost of the administrative services shall be considered to be part of
13 the cost of care.

14 (d) Employer expenditures under this section do not include
15 salary reductions or expenditures that are made with state or federal
16 funds.

17 (e) Amounts claimed as employer contributions under this section
18 must be for care that meets applicable licensing requirements and the
19 requirements of other applicable law.

20 (f) The department shall adopt regulations necessary to imple-
21 ment this section.