

HOUSE BILL NO. 61

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE TAYLOR

Introduced: 1/23/91

Referred: State Affairs, Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to child care."

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

3 * **Section 1. FINDINGS AND INTENT.** (a) The legislature finds that it is in the public interest to
4 foster the productivity of workers in the state and to encourage and assist Alaska parents to further their
5 own formal education. The achievement of these goals will be served by establishing facilities for
6 quality child care services in or near the workplace, on the campuses of the University of Alaska and
7 the state's community colleges, and in school district and municipal buildings. To that end, this Act
8 provides for the creation of privately operated child care centers in public buildings.

9 (b) It is also the intent of the legislature to encourage private employers to help provide adequate
10 child care for their employees by establishing a grant program for businesses who provide that assistance.

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

12 **ARTICLE 3. CHILD CARE CENTERS.**

13 **Sec. 14.14.320. CHILD CARE CENTERS IN SCHOOL BUILDINGS.** (a) The person
14 or agency responsible for planning the construction, expansion, or major renovation of a building

1 owned or leased by a school district shall determine the need for a child care center in the build-
2 ing. The determination shall be based on an assessment of

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

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

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

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

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

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

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

30 (f) The Department of Education may adopt regulations to implement this section.

31 (g) This section does not apply to the renewal of a lease initially entered into before the

1 effective date of this section.

2 Sec. 14.14.330. LEASES. (a) Six months before a school district renews a building
3 lease that was originally entered into before the effective date of this Act, the school district shall
4 determine the need for a child care center in the building as required for other school district
5 buildings under AS 14.14.320(a).

6 (b) If the school district determines under (a) of this section that a child care center is
7 needed in the building, the school district shall lease additional space in the building for a child
8 care center if additional space is available at a competitive price and suitable for the intended
9 purpose.

10 (c) If the school district leases additional space under (b) of this section, the school
11 district shall lease part of its leased space to a private licensed child care services provider and
12 meet the requirements of AS 14.14.320(c) - (d).

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

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

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

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

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

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

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

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

28 ARTICLE 2. CHILD CARE CENTERS.

29 Sec. 29.55.100. CHILD CARE CENTERS IN MUNICIPAL BUILDINGS. (a) The
30 person or agency responsible for planning the construction, expansion, or major renovation of a
31 building owned or leased by a municipality shall determine the need for a child care center in

1 the building. The determination shall be based on an assessment of
2 (1) the child care needs of public and private employees who work in the building
3 or in neighboring buildings;

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

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

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

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

22 (e) The requirements of (a) and (b) of this section do not apply to a building leased by
23 the municipality under a prebuilt lease providing for renovations for the municipality, if the
24 building cannot meet or be renovated to meet the indoor and outdoor space requirements for a
25 child care center that are established under regulations adopted by the Department of Health and
26 Social Services.

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

29 (g) This section does not apply to the renewal of a lease initially entered into before the
30 effective date of this section.

31 (h) This section applies to home rule and general law municipalities.

1 **Sec. 29.55.110. LEASES.** (a) Six months before a municipality renews a building lease
2 that was originally entered into before the effective date of this Act, the municipality shall
3 determine the need for a child care center in the building as required for other municipal
4 buildings under AS 29.55.100(a).

5 (b) If the municipality determines under (a) of this section that a child care center is
6 needed in the building, the municipality shall lease additional space in the building for a child
7 care center if additional space is available at a competitive price and suitable for the intended
8 purpose.

9 (c) If the municipality leases additional space under (b) of this section, the municipality
10 shall lease part of its leased space to a private licensed child care services provider and meet the
11 requirements of AS 29.55.100(c) - (d).

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

16 (e) This section applies to home rule and general law municipalities.

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 by a municipality's
19 employees is used primarily for administrative, clerical, educational, or executive functions;

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

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

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

26 **Sec. 35.10.017. CHILD CARE CENTERS IN STATE BUILDINGS.** (a) The person or
27 agency responsible for planning the construction, expansion, or major renovation of a building
28 owned or leased by the state shall determine the need for a child care center in the building. The
29 determination shall be based on an assessment of

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

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

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

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

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

18 (d) Use of a child care center in a building owned or leased by the state is open to the
19 public. However, preference may be made for the child care needs of the public and private
20 employees working in or near the building.

21 (e) The requirements of (a) and (b) of this section do not apply to a building leased by
22 the state under a prebuilt lease providing for renovations for the state, if the building cannot meet
23 or be renovated to meet the indoor and outdoor space requirements for a child care center that
24 are established under regulations adopted by the Department of Health and Social Services.

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

26 (g) This section does not apply to the renewal of leases initially entered into before the
27 effective date of this section.

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

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

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

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

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

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

15 (2) "leased" means leased under any leasing arrangement, including a prebuilt
16 lease with provisions for renovations for the state and a lease for a building to be built according
17 to state specifications;

18 (3) "state" includes the University of Alaska, the Alaska Railroad Corporation,
19 and other agencies of the executive, legislative, and judicial branches of state government.

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

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

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

- 27 (1) per-child cost of operation of onsite child care contributed to by the employer;
28 (2) the cost of care purchased by the employer on behalf of its employees;
29 (3) the cost of care provided by the employer to its employees in the form of
30 vouchers;
31 (4) the costs of administrative services as described in (c) of this section;

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

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

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

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

12 (f) The department shall adopt regulations necessary to implement this section.