

**SENATE BILL NO. 119**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**EIGHTEENTH LEGISLATURE - FIRST SESSION**

**BY SENATOR KERTTULA**

**Introduced: 2/19/93**  
**Referred: STA, HES, FIN**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to child care in state buildings; and providing for an effective  
2 date."

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

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

10 \* **Sec. 2.** AS 35.10 is amended by adding new sections to read:

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

1 of

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

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

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

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

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

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

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

31 (f) The Department of Administration may adopt regulations to implement this

1 section.

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

4 Sec. 35.10.018. LEASES. (a) Six months before renewing a state building  
5 lease that was originally entered into before the effective date of this section the person  
6 or agency responsible for the lease shall determine the need for a child care center in  
7 the building as required for other state buildings under AS 35.10.017(a).

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

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

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

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

21 (1) "building" means a building in which

22 (A) the space occupied by state employees is used primarily for  
23 administrative, clerical, educational, or executive functions; and

24 (B) at least 50 persons who are public or private employees are  
25 based;

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

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

1 \* Sec. 3. AS 35.10.017(a) is amended to read:

2 (a) The person or agency responsible for planning the construction, expansion,  
3 or major renovation of a building owned or leased by the state shall determine the  
4 need for a child care center in the building. The primary state agency that occupies  
5 a building owned or leased by the state for which there are no other plans for  
6 expansion or renovation shall determine the need for a child care center in the  
7 building. The determination shall be based on an assessment of

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

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

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

14 \* Sec. 4. AS 37.10.017(b) is amended to read:

15 (b) If it is determined under (a) of this section that a child care center is  
16 needed in the building, then (1) the responsible person or agency must develop plans  
17 for construction, expansion, or [MAJOR] renovation of the building in a manner that  
18 includes [MUST INCLUDE] plans for a child care center in the building to  
19 accommodate the number of children for which the assessment determined there was  
20 a need for child care; and (2) a child care center shall be established in the building.  
21 The child care center shall be designed to meet and shall meet all applicable licensing  
22 requirements.

23 \* Sec. 5. AS 37.10.017(e) is amended to read:

24 (e) The requirements of (a) and (b) of this section do not apply to a building  
25 leased by the state before September 1, 1998, under a prebuilt lease providing for  
26 renovations for the state, if the building cannot meet or be renovated to meet the  
27 indoor and outdoor space requirements for a child care center that are established  
28 under regulations adopted by the Department of Health and Social Services.

29 \* Sec. 6. AS 37.10.017(g) and 37.10.018 are repealed.

30 \* Sec. 7. Sections 3 - 6 of this Act take effect September 1, 1998.