

HB

190

<target><bill>HB 190</bill><subject>HB
190</subject><comm>HFIN26</comm></target>



Alaska State Legislature

Representative Anna Fairclough — House District 17

CS for House Bill 190 (HSS)
"An Act amending the children's trust."

The Alaska Children's Trust (ACT) was established in 1988 with the goal of improving the status of children in Alaska by generating funds and committing resources to eliminate child abuse and neglect. The initial legislative appropriation was made in 1996 for \$6 million. Today, the Alaska Children's Trust totals approximately \$7 million.

Because of the serious problem of child abuse and neglect in Alaska, and because the current structure of the trust has limited its effectiveness, the Trustees of the Alaska Children's Trust (ACT) and the Board of Directors of the Friends of the Alaska Children's Trust (FACT), the 501(c)(3) non-profit organization established to raise funds and advocate for the mission of the Alaska Children's Trust, have engaged in activities to assess the effectiveness of the Trust in accomplishing its mission and to plan for the future of the Trust including how FACT can help to accomplish that mission. These activities included strategic planning, research on the structure of children's trusts in other states, and an organizational assessment completed by The Giving Practice (Philanthropy Northwest). To solve the problems outlined above, CS for HB 190 (HSS) would do the following:

CSHB 190(HSS) would allow the legislature to appropriate annually 5% of the market value of the trust, as calculated on a 5-year average, for a named recipient grant. The named recipient shall be a nonprofit established to enhance the mission of the ACT and to raise funds for the prevention of child abuse and neglect. The named recipient will then make grants to community organizations working to prevent child abuse and neglect. The named recipient will enter into an agreement with the Department of Commerce, Community and Economic Development that will allow the named recipient to create and grow an endowment to help fund grantees at a consistent level from year to year, and increase the funds going to child abuse and neglect prevention programs.

The named recipient will be monitored by the ACT board. Still located within the Office of the Governor, the board will now have with seven voting members (as in current statute) and two nonvoting members from the legislature.

CS for HB 190(HSS) will allow the ACT board, working in concert with the named recipient, greater flexibility to create a more stable, streamlined and simplified administrative structure that would greatly enhance its ability to raise funds and pursue its mission efficiently and effectively.



Alaska State Legislature

Representative Anna Fairclough — House District 17

CS for House Bill 190 (FIN) (26-LS0502\N)

"An Act amending the Alaska children's trust and relating to the trust; relating to special request Alaska children's trust plates; and amending State Procurement Code to exempt the Alaska children's trust and the Alaska Children's Trust Board."

House Bill 190 establishes an Alaska Children's Trust (ACT) grant account in the general fund and provides for private restricted-use donations, and an annual legislative appropriation of five percent average market value (preceding three years) of the trust account into the grant account. In addition it exempts the ACT and the ACT board from the state procurement code and would require the board to establish regulations as required by state statute.

It would preserve the present revenue sources of children's trust license plates, birth and marriage certificates annually appropriated by the legislature into the grant account for child abuse and neglect prevention activities and programs.

The ACT board of directors is given the authority to enter into a joint arrangement with a non-profit entity or entities for grant-making and fundraising without delegating its duties or authority. ACT will continue to be managed by seven board of directors; including the Governor or designee, Commissioners of the Departments of Health and Social Services and Education and Early Development, four public members appointed by the Governor with expertise in children's or prevention programs including child abuse and neglect prevention programs.

In summary, HB 190 provides ACT and the ACT board with greater flexibility to create a more stable, streamlined and simplified administrative structure that would greatly enhance the Trust's ability to pursue its mission efficiently and effectively.

I urge your support on this piece of legislation.



Alaska State Legislature

Representative Anna Fairclough — House District 17

CS for House Bill 190 (HSS)

"An Act amending the children's trust."

Sectional Analysis

Section 1. Amends AS 37.14.200

Allows the legislature to annually appropriate 5% of the market value, as calculated on a five year average, of the Alaska Children's Trust to a named recipient grantee through the Department of Commerce, Community and Economic Development.

Section 2. Amends AS 37.14.225

Defines the membership of the ACT board, and their qualifications.

Section 3. Amends AS 37.14.230

Describes the powers and duties of the ACT board, including monitoring grants to child abuse & neglect prevention programs, raising funds for the trust and overseeing the activities of the nonprofit named recipient.

Section 4. Amends AS 37.14.240

Allows 5% of the market value of the trust to be appropriated to a named recipient and also allows \$150,000 from the trust principle to be used for administrative expenses.

Section 5. Amends AS 37.14.250

Describes the qualifications and obligations of the named recipient, including that it shall be a non-profit dedicated to the prevention of child abuse and neglect, and requires that the named recipient comply with certain grant conditions.



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Explanation of Changes

Page 1, line 5

Deleted the words "market value of the unencumbered balance" and inserted the words **average of the market values**

Page 1, line 6

Immediately following the word "principle" insert **on June 30 for the first five of the six fiscal years immediately preceding that fiscal year**

After the two changes described to Page 1 above, Section 1 now reads in its entirety:

(d) The legislature may appropriate annually an amount that is equivalent to five percent of the average of the market values of the trust income and principal on June 30 for the first five of the six fiscal years immediately preceding that fiscal year, taking into account administrative expenses, as a grant to a named recipient under AS 37.05.316 subject to terms and conditions set by the board under AS 37.14.250.

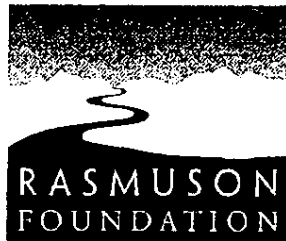
Page 2, line 8

Deleted "." and inserted **and**

Page 2, line 8

Insert the following new paragraphs to read:

(5) one nonvoting member appointed by the speaker of the house of representatives;
(6) one nonvoting member appointed by the president of the senate.



April 5, 2010

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The Honorable Anna Fairclough
Alaska State Legislature
State Capitol, Room 421
Juneau, AK 99801-1182

Dear Representative Fairclough:

As a trustee of the Alaska Children's Trust (ACT) and a longtime supporter and former member of the Friends of the Alaska Children's Trust (FACT), I want to thank you for your leadership in sponsoring House Bill 190, an act amending the Alaska Children's Trust. Your attention and diligence to this matter could result in significantly impacting the incidence of child abuse and neglect in Alaska.

The Finance Committee Substitute for HB190 addresses head-on many of the issues that have made the FACT fundraising and ACT grantmaking processes cumbersome. In particular, the creation of a grant account within the general fund allows FACT volunteers to raise funds from individual Alaskans to support issue-specific grants. If enacted, Alaskans will for the first time have assurances that their gifts to ACT can be directed to a specific purpose.

The ACT and FACT have struggled to find a way to meet the original intent of donors and ensure that their gifts are treated with the highest level of stewardship. While the trustees and friends continue to believe that privatization of the Trust through a public-private sector partnership is still the best approach, this CS to HB190 goes a long way toward resolving issues that have confounded advocates for prevention of child abuse and neglect for many years.

I hope this legislation is favorably considered by your colleagues in the Alaska State Legislature.

Best regards,

Diane Kaplan
President

BOARD of
DIRECTORS
Edward B. Rasmuson
Chairman
Morgan Christen
Jeff Cook
Douglas Eby
Adam Gibbons
Lile R. Gibbons
Anthony Mallott
Roberta Quintavell
Cathryn Rasmuson
Judy Rasmuson
Mary Louise Rasmuson
Natasha von Imhof

PRESIDENT
Diane Kaplan



Alaska State Legislature

Representative Anna Fairclough — House District 17

CS for House Bill 190 (FIN) (26-LS0502\N)

"An Act amending the Alaska children's trust and relating to the trust; relating to special request Alaska children's trust plates; and amending State Procurement Code to exempt the Alaska children's trust and the Alaska Children's Trust Board."

Sectional Analysis

Section 1, 2, 3. Amends AS 18.50.225(d); 18.50.272(e); 28.10.421(d)(14)

Allows the legislature to appropriate funds generated from birth certificates and heirloom marriage certificates suitable for display; and Alaska children's trust license plates to the Alaska children's trust grant account.

Section 4. Amends AS 36.30.990(1)

Exempts the Alaska children's trust and the Alaska Children's Trust Board from the State Procurement Code.

Section 5. Amends AS 37.14.200(b)

Defines the assets of the trust to include appropriations, donations to the trust, and income earned on investments of trust assets.

Section 6. Repeals and reenacted AS 37.14.200(c)

Provides for the commissioner of revenue to manage the trust as an endowment.

Section 7. Amends AS 37.14.200 by adding new subsections AS 37.14.200(d)(e)(f)(g)

The commissioner of revenue shall provide reports to the board on condition and investment of the trust.

Allows the legislature to annually appropriate 5% of the market value, as calculated on a three year average, of the Alaska Children's Trust to the grant account.

Allows the legislature to appropriate from the principal of the trust up to \$150,000 for administrative expenses of the board; and appropriate expenses related to the commissioner of revenue's management of trust assets.

Session: Alaska State Capitol • Juneau, AK 99801 • 907-465-3777 • Fax 907-465-2819

Interim: 10928 Eagle River Road, Suite 238 • Eagle River, AK 99577 • 907-694-8944 • Fax 907-694-8945

Representative Anna Fairclough@legis.state.ak.us

Explains that this section does not create a dedicated fund.

Section 8. Amends AS 37.14 by adding new section AS 37.14.205

Creates an Alaska children's trust grant account as an account in the general fund and allows the legislature to appropriate funds from the trust to the grant account.

Defines uses of the grant account to include making grants; obtaining private and federal; solicit contributions, gifts and bequests for the trust and grant accounts; and expend private restricted-use donations from the grant account without further appropriation.

Section 9. Amends AS 37.14.225

Defines the membership of the ACT board, and their qualifications.

Section 10. Amends AS 37.14.230

Describes the powers and duties of the ACT board, to include awarding grants, maintaining records of all donations to the trust and grant account; apply for and use funds from grant account to obtain private and federal grants for child abuse & neglect prevention programs; solicit donations to the grant account; account for interest earned on private restricted donations not fully expended.

Section 11. Amends AS 37.14.230 by adding new subsection AS 37.14.230(b)

Allows the Alaska Children's Trust Board to enter into joint arrangement with a private non-profit entity or entities for grant-making and fundraising without delegating its duties or authority.

Section 12. Amends AS 37.14 by adding new section AS 37.14.235

Provides support staff from the Department of Health & Social Services.

Section 13. Amends AS 37.14 by adding new section AS 37.14.245

Allows the Alaska Children's Trust Board to adopt regulations not subject to the requirements of the Administrative Procedures Act.

Section 14. Amends AS 37.14.270 is repealed and reenacted

Defines board, grant account, private restricted-use donation, and trust.

Section 15. Amends AS 37.14.210, 37.14.240, 37.14.250, and 37.14.260 are repealed

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CS HB 190(FIN)
 () Publish Date: _____

Identifier (file name): HB 190CS(FIN)-DHSS-CSM-04-03-10 Dept. Affected: Health & Social Services
 Title: Alaska Children's Trust RDU: Children's Services
 Sponsor: Representative Fairclough Component: Children's Services Management
 Requester: House Finance Committee Component Number: 2666

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other-AHFC Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Co-Chair Rep. Stoltze
House Finance Committee
Co-Chair Rep. Hawker
House Finance Committee

Phone 465-4958
 Date/Time 4/5/2010 12:00PM
 Date 4/5/2010

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB 190(HSS)
() Publish Date: _____

Identifier (file name): HB190CS(HSS)-CED-CRA-04-5-10 Dept. Affected: DCCED
Title: Alaska Children's Trust RDU: Comm. Assist. and Econ. Dev.
Sponsor: Representative Fairclough Component: Community and Regional Affairs
Requester: House Finance Committee Component Number: 2879

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

HB 190 makes several changes to the Alaska Children's Trust (ACT) board and trust account management. The Trust is to be managed by the Commissioner of Revenue with five percent of the market value of the unencumbered balance of the trust to be appropriated for awarding a named recipient grant by the Department of Commerce, Community and Economic Development to be used by the non-profit selected by the board to award subgrants to organizations and projects designed to prevent child abuse and neglect in Alaska.

The Department does not expect to need additional funds to manage this grant.

Prepared by: Tyson Fick, Legislative Liaison
Division: Department of Commerce, Community and Economic Development
Approved by: Emil Notti, Commissioner
Department of Commerce, Community and Economic Development

Phone 465-2503
Date/Time 4/5/10 12:00 AM
Date 4/5/2010

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

BILL NO. _____

ANALYSIS CONTINUATION

Page _ of _

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB190
() Publish Date: _____

Identifier (file name): CSHB190-REV-TRS-04-04-10
Title: Alaska Children's Trust
Sponsor: Representative Fairclough
Requester: House Finance Committee
Dept. Affected: Revenue
RDU: Taxation and Treasury
Component: Treasury Division
Component Number: 121

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

The Committee Substitute Bill is an amendment to the Alaska Children's Trust statute which allow the legislature to appropriate funds generated from birth and heirloom marriage certificates and trust license plates to the Alaska Children's Trust Grant Account and defines the assets of the trust to include appropriations, donations and income earned on investments of trust assets. Treasury would continue to invest the assets of the Trust and would calculate 5% of market value of the Trust on a three year average for appropriation to the grant fund. No appropriation is required as implementation will be carried out through existing personal services and custodial resources. The effect this bill will have on investment performance is unknown.

Prepared by: Pamela Leary, Comptroller
Division: Treasury Division
Approved by: Ginger Blaisdell, Director
Administrative Services Division

Phone 465-2300
Date/Time 04-02-10; 3:55pm
Date 04-04-10; 4:04pm

*Adopted
4/5/10*

*concept. Am 1
P. 6 Adopted
4/5/10*

CS FOR HOUSE BILL NO. 190(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES FAIRCLOUGH, Hawker, Holmes, Peggy Wilson

A BILL

FOR AN ACT ENTITLED

1 **"An Act amending the Alaska children's trust and relating to the trust; establishing a**
2 **children's trust grant account; relating to birth certificates and certificates of marriage;**
3 **relating to special request Alaska children's trust license plates; and amending the State**
4 **Procurement Code to exempt the Alaska children's trust and the Alaska Children's**
5 **Trust Board."**

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

7 *** Section 1.** AS 18.50.225(d) is repealed and reenacted to read:

8 (d) The estimated amount by which the fees received under this section exceed
9 the cost of issuing birth certificates under (a) of this section may be appropriated
10 annually by the legislature to the Alaska children's trust grant account (AS 37.14.205).

11 *** Sec. 2.** AS 18.50.272(e) is repealed and reenacted to read:

12 (e) The estimated amount by which the fees received under this section exceed
13 the cost of issuing heirloom certificates of marriage under (a) of this section may be

1 appropriated annually by the legislature to the Alaska children's trust grant account
2 (AS 37.14.205).

3 * Sec. 3. AS 28.10.421(d)(14) is amended to read:

4 (14) special request Alaska children's trust plates \$100
5 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the fee
6 required by this paragraph shall be collected only on the first issuance and the
7 replacement of special request plates; the commissioner of administration shall
8 separately account for the fees received under this paragraph that the department
9 deposits in the general fund; notwithstanding (g) of this section, the annual estimated
10 balance in the account that is in excess of the cost of issuing special request plates may
11 be appropriated by the legislature into the Alaska children's trust grant account
12 established in AS 37.14.205 [PRINCIPAL OF THE ALASKA CHILDREN'S
13 TRUST UNDER AS 37.14.200];

14 * Sec. 4. AS 36.30.990(1) is amended to read:

- 15 (1) "agency"
- 16 (A) means a department, institution, board, commission,
- 17 division, authority, public corporation, the Alaska Pioneers' Home, the Alaska
- 18 Veterans' Home, or other administrative unit of the executive branch of state
- 19 government;
- 20 (B) does not include
 - 21 (i) the University of Alaska;
 - 22 (ii) the Alaska Railroad Corporation;
 - 23 (iii) the Alaska Housing Finance Corporation;
 - 24 (iv) a regional Native housing authority created under
 - 25 AS 18.55.996 or a regional electrical authority created under
 - 26 AS 18.57.020;
 - 27 (v) the Department of Transportation and Public
 - 28 Facilities, in regard to the repair, maintenance, and reconstruction of
 - 29 vessels, docking facilities, and passenger and vehicle transfer facilities
 - 30 of the Alaska marine highway system;
 - 31 (vi) the Alaska Aerospace Corporation;

1 (vii) the Alaska Retirement Management Board;

2 (viii) the Alaska Seafood Marketing Institute;

3 **(ix) the Alaska children's trust and the Alaska**

4 **Children's Trust Board;**

5 * Sec. 5. AS 37.14.200(b) is amended to read:

6 (b) The [PRINCIPAL OF THE] trust consists of

7 (1) legislative appropriations to the trust; [AND]

8 (2) **donations to the trust; and**

9 **(3) income earned on investments of trust assets appropriated by**
 10 **the legislature to the trust** [GIFTS, BEQUESTS, AND CONTRIBUTIONS OF
 11 CASH OR OTHER ASSETS FROM A PERSON].

12 * Sec. 6. AS 37.14.200(c) is repealed and reenacted to read:

13 (c) The commissioner of revenue shall manage the trust as an endowment,
 14 with the goal that the purchasing power of the trust will not diminish over time
 15 without regard to additional contributions that may be made to the trust. The
 16 commissioner shall invest the assets of the trust in a manner likely to yield at least a
 17 five percent real rate of return over time. The commissioner may commingle the assets
 18 of the trust with other public funds for purposes of investment.

19 * Sec. 7. AS 37.14.200 is amended by adding new subsections to read:

20 (d) In carrying out the investment duties under AS 37.14.200 - 37.14.270, the
 21 commissioner of revenue has the powers and duties set out in AS 37.10.071. The
 22 commissioner shall provide reports to the board on the condition and investment
 23 performance of the trust.

24 (e) As soon as is practicable after July 1 of each year, the commissioner of
 25 revenue shall determine the average of the market values of the trust on June 30 for
 26 the immediately preceding three fiscal years. The commissioner shall identify five
 27 percent of that amount as available for appropriation to the grant account from which
 28 the board may award grants under AS 37.14.230. The commissioner shall also report
 29 as available for appropriation a total of amounts previously identified as available for
 30 appropriation to the grant account that have not been appropriated.

31 (f) The legislature may appropriate from the principal of the trust up to

1 \$150,000 each year for the administrative expenses of the board relating to
2 AS 37.14.200 - 37.14.270. The legislature may also appropriate from the principal of
3 the trust expenses related to the commissioner of revenue's management of trust
4 assets.

5 (g) Nothing in this section creates a dedicated fund.

6 * **Sec. 8.** AS 37.14 is amended by adding a new section to read:

7 **Sec. 37.14.205. Alaska children's trust grant account.** (a) The Alaska
8 children's trust grant account is established as an account in the general fund. The
9 legislature may appropriate funds to the grant account from

10 (1) the trust account in the amount described in AS 37.14.200(e);

11 (2) program receipts from special request Alaska children's trust plates
12 under AS 28.10.421(d)(14);

13 (3) program receipts from birth certificates under AS 18.50.225;

14 (4) program receipts from certificates of marriage under AS 18.50.272;

15 (5) private restricted-use donations; and

16 (6) any other source.

17 (b) The board may use money in the grant account for the following purposes
18 and without further appropriation:

19 (1) to make grants under AS 37.14.230;

20 (2) to obtain private and federal grants for the trust and the grant
21 account;

22 (3) to solicit contributions, gifts, and bequests for the trust and the
23 grant account;

24 (4) to expend private restricted-use donations in conformity with the
25 donor's restrictions.

26 * **Sec. 9.** AS 37.14.225 is amended to read:

27 **Sec. 37.14.225. Trust board established.** The Alaska Children's Trust Board
28 is established in the Office of the Governor. The board is composed of

29 (1) the governor or a designee of the governor;

30 (2) the commissioner of health and social services or the
31 commissioner's designee;

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(3) the commissioner of education and early development or the commissioner's designee; and

(4) four public members appointed by the governor [; IN APPOINTING THE PUBLIC MEMBERS, THE GOVERNOR SHALL GIVE A PREFERENCE TO PERSONS] who have experience and expertise in

(A) children's or prevention programs, including child abuse and neglect prevention programs; or

(B) private sector finance.

* Sec. 10. AS 37.14.230 is amended to read:

Sec. 37.14.230. Powers and duties of the board. The [WHEN ACTING AS ADMINISTRATOR OF THE TRUST, THE] board shall

(1) hold regular and special meetings it considers necessary; the board may hold meetings by teleconference;

(2) award grants from the grant account [NET INCOME OF THE TRUST] to community-based programs [AND PROJECTS] that the board finds will aid in the prevention of child abuse and neglect;

(3) monitor approved programs [AND PROJECTS] for compliance with AS 37.14.200 - 37.14.270 and specified grant conditions;

(4) maintain records for all donations to the trust and the grant account; the records must reflect the amount of the donation, the date of the donation, the donor's intent, if any, with respect to how the donation is to be used, the account into which the donation was deposited, and the manner in which the donation was expended [BEFORE PROVIDING ASSISTANCE TO A PROGRAM OR PROJECT, APPROVE WRITTEN FINDINGS ON THE PROGRAM OR PROJECT THAT INCLUDE A CONSIDERATION OF THE MEANS OF MEASURING THE EFFECTIVENESS OF THE PROGRAM OR PROJECT];

(5) apply for, and use funds from the grant account [NET INCOME FROM THE TRUST] to obtain[,] private and federal grants for the prevention of child abuse and neglect;

(6) solicit contributions, gifts, and bequests to the trust and the grant

1 account;

2 (7) keep electronic [AUDIO TAPE] recordings of each meeting of the
3 board to be made available on request; and

4 (8) submit to the governor and make available to the legislature by
5 February 1 each year a report describing

6 (A) the child abuse and neglect prevention services that were
7 provided by the programs [AND PROJECTS] to which the board awarded
8 grants; and

9 (B) the annual level of contributions, income, and expenses of
10 the trust and the grant account;

11 (9) make arrangements with the commissioner or a financial
12 depository to manage private restricted-use donations that are not fully expended
13 and account for any interest earned on the donations.

14 * Sec. 11. AS 37.14.230 is amended by adding a new subsection to read:

15 (b) The board may enter into joint arrangements with a private nonprofit entity
16 or entities for the purpose of making grants and fundraising for the support of child
17 abuse and neglect prevention programs. In entering into a joint arrangement, the board
18 may not delegate its duties or authority under AS 37.14.200 - 37.14.270.

19 * Sec. 12. AS 37.14 is amended by adding a new section to read:

20 Sec. 37.14.235. Staff. The Department of Health and Social Services shall
21 provide staff for the board.

22 * Sec. 13. AS 37.14 is amended by adding a new section to read:

23 Sec. 37.14.245. Regulations. (a) The board may adopt regulations to
24 implement AS 37.14.200 - 37.14.270. Regulations adopted by the board are not
25 subject to AS 44.62 (Administrative Procedure Act). The board shall comply with the
26 requirements of AS 44.62.310 and 44.62.312.

27 (b) Notwithstanding (a) of this section, a regulation adopted under
28 AS 37.14.200 - 37.14.270 shall be published in the Alaska Administrative Register
29 and Alaska Administrative Code for informational purposes. A regulation adopted
30 under this section shall conform to the style and format requirements of the drafting
31 manual for administrative regulations that is published under AS 44.62.050.

*Amend /
delete
entire
section*

1 (c) At least 30 days before the adoption, amendment, or repeal of a regulation
2 under this section, the board shall provide notice of the action that is being considered.
3 The notice must include publication in a newspaper of general circulation in the state.

4 (d) A regulation adopted under this section takes effect 30 days after adoption
5 by the board unless a later effective date is stated in the regulation.

6 (e) Notwithstanding the other provisions of this section, a regulation may be
7 adopted, amended, or repealed, effective immediately, as an emergency regulation.
8 For an emergency regulation to be effective, the board must find that the immediate
9 adoption, amendment, or repeal of the regulation is necessary. The board shall, within
10 10 days after adoption of an emergency regulation, give notice of the adoption under
11 (c) of this section. An emergency regulation adopted under this subsection may not
12 remain in effect past the date of the next regular meeting of the board unless the board
13 complies with the procedures set out in this section and adopts the regulation as a
14 permanent regulation.

15 (f) In this section, "regulation" has the meaning given in AS 44.62.640(a).

16 * **Sec. 14.** AS 37.14.270 is repealed and reenacted to read:

17 **Sec. 37.14.270. Definitions.** In AS 37.14.200 - 37.14.270, unless the context
18 otherwise requires,

19 (1) "board" means the Alaska Children's Trust Board;

20 (2) "grant account" means the Alaska children's trust grant account
21 established in AS 37.14.205;

22 (3) "private restricted-use donation" means a donation related to the
23 prevention of child abuse and neglect where a donor specifies in writing that the
24 donation be used for any purpose other than to be placed in the corpus of the trust and
25 invested with trust assets;

26 (4) "trust" means the Alaska children's trust established in
27 AS 37.14.200.

28 * **Sec. 15.** AS 37.14.210, 37.14.240, 37.14.250, and 37.14.260 are repealed.