

11804 SENATE HEALTH, EDUCATION & SOCIAL SERVICES

1 (2) has been found by a court or agency of this or another jurisdiction
2 to have neglected, abused, or exploited a child or vulnerable adult under AS 47.10,
3 AS 47.24, or AS 47.62 or a substantially similar provision in another jurisdiction; or

4 (3) appears on the centralized registry established under AS 47.05.330
5 or a similar registry of this state or another jurisdiction.

6 **Sec. 47.05.320. Criminal history use standards.** The department shall by
7 regulation establish standards for the consideration and use by the department, an
8 entity, or an individual service provider of the criminal history of an individual
9 obtained under AS 47.05.310.

10 **Sec. 47.05.330. Centralized registry.** (a) The department shall by regulation
11 provide for a centralized registry to facilitate the licensing or certification of entities
12 and individual service providers, the authorization of payments to entities or
13 individual service providers by the department, and the employment of individuals by
14 entities and individual service providers.

15 (b) Except for the name of each victim being redacted before the information
16 is placed on the registry, the registry shall consist of the following information for an
17 entity or individual service provider, an applicant on behalf of an entity or individual
18 service provider, or an employee of an entity or individual service provider:

19 (1) orders, judgments, and adjudications finding that the applicant or
20 the employee committed abuse, neglect, or exploitation under AS 47.10, AS 47.24,
21 AS 47.62, or a substantially similar provision in another jurisdiction;

22 (2) orders under a state statute or a substantially similar provision in
23 another jurisdiction that a license or certification of the entity or individual service
24 provider to provide services related to the health, safety, and welfare of persons was
25 denied, suspended, revoked, or conditioned.

26 (c) As a condition for applying for licensure or certification of an entity or
27 individual service provider, or for payment to an entity or individual service provider
28 by the department, an applicant must agree to submit timely to the registry the
29 information required under this section relating to the entity, any individual, the
30 applicant, and employees of the entity or individual service provider.

31 (d) The department shall prescribe by regulation the form or format by which

1 an applicant must submit required information to the registry.

2 (e) Notwithstanding any contrary provision of law, the department may also
3 submit information described in this section to the registry. An entity or individual
4 that is exempt from department licensure or certification and that does not receive
5 money from the department for its services may voluntarily submit information
6 described in this section to the department for placement in the registry.

7 (f) Information contained in the registry is a public record under AS 40.25 and
8 is subject to public inspection and copying.

9 (g) A person who, in good faith, submits information to the registry in
10 accordance with this section is immune from civil or criminal liability that might
11 otherwise exist for submitting information to the registry.

12 (h) A person about whom information is placed in the registry may request the
13 department to delete or modify the information to correct inaccuracies. The
14 department shall investigate the request and make necessary deletions or
15 modifications.

16 **Sec. 47.05.340. Regulations.** The department shall adopt regulations to
17 implement AS 47.05.300 - 47.05.390.

18 **Sec. 47.05.390. Definitions.** In AS 47.05.300 - 47.05.390, unless the context
19 otherwise requires,

20 (1) "criminal history records" has the meaning given in AS 12.64.010;

21 (2) "criminal justice activity" has the meaning given in AS 12.62.900;

22 (3) "criminal justice agency" has the meaning given in AS 12.62.900;

23 (4) "criminal justice information" has the meaning given in
24 AS 12.62.900;

25 (5) "department" means the Department of Health and Social Services;

26 (6) "entity" includes an entity listed in AS 47.32.010(b);

27 (7) "individual service provider" means an individual described in
28 AS 47.05.300(a), and includes those listed in AS 47.05.300(b);

29 (8) "license" includes a provisional license.

30 * **Sec. 20.** AS 47.10.141(b) is amended to read:

31 (b) A peace officer shall take into protective custody a minor described in (a)

1 of this section if the minor is not otherwise subject to arrest or detention. Unless (c) of
2 this section applies, when a peace officer takes a minor into protective custody under
3 this subsection,

4 (1) the peace officer shall

5 (A) return the minor to the minor's parent or guardian at the
6 parent's or guardian's residence if the residence is in the same community
7 where the minor was found and if the minor's parent or guardian consents to
8 the return, except that the officer may not use this option if the officer has
9 reasonable cause to believe that the minor has experienced physical or sexual
10 abuse in the parent's or guardian's household;

11 (B) take the minor to a nearby location agreed to by the minor's
12 parent or guardian if the parent or guardian does not consent to return of the
13 minor under (A) of this paragraph and the officer does not have reasonable
14 cause to believe that the minor has experienced physical or sexual abuse in the
15 parent's or guardian's household; or

16 (C) if disposition of the minor is not made under (A) or (B) of
17 this paragraph, take the minor to

18 (i) an office specified by the Department of Health and
19 Social Services;

20 (ii) a program for runaway minors licensed by the
21 department under AS 47.10.310;

22 (iii) a shelter for runaways that has a permit from the
23 department under AS 47.32 [AS 47.35.085] that agrees to shelter the
24 minor;

25 (iv) a facility or contract agency of the department; or

26 (v) another suitable location and promptly notify the
27 department if an office specified by the department, a licensed program
28 for runaway minors, a shelter for runaways that will accept the minor,
29 or a facility or contract agency of the department does not exist in the
30 community;

31 (2) if the peace officer plans to take the minor to an office, program,

1 shelter, or facility under (1)(C) of this subsection, the peace officer shall give the
2 highest priority to taking the minor to an office, program, shelter, or facility that is
3 semi-secure;

4 (3) a minor under protective custody may not be housed in a jail or
5 other detention facility but may be housed in a semi-secure portion of an office,
6 program, shelter, or other facility under (1) (C) of this subsection;

7 (4) the peace officer, immediately upon taking a minor into protective
8 custody, shall

9 (A) advise the minor of available mediation services and of the
10 right to social services under AS 47.10.142(b); and

11 (B) if the identity of the minor's parent or guardian is known,
12 advise the minor's parent or guardian that the minor has been taken into
13 protective custody and that counseling services for the minor's parent or
14 guardian and the minor's household may be available under AS 47.10.142(b).

15 * Sec. 21. AS 47.10.392 is amended to read:

16 **Sec. 47.10.392. Certificate required.** A private residence may not be held
17 out publicly as a shelter for runaway minors unless the residence

18 (1) is designated a shelter for runaways by a corporation that is
19 licensed to make the designation under AS 47.32 [AS 47.35.085]; and

20 (2) has a valid permit from the department signifying that designation.

21 * Sec. 22. AS 47.10.399(2) is amended to read:

22 (2) "shelter for runaways" or "shelter for runaway minors" means a
23 private residence whose legal occupant agrees to shelter, with or without
24 compensation, a runaway minor accepted into the residence by the legal occupant and
25 that

26 (A) is not simultaneously licensed under AS 47.10.310 as a
27 program for runaway minors;

28 (B) has been designated a shelter for runaways by a corporation
29 licensed for that purpose under AS 47.32 [AS 47.35.085]; and

30 (C) has a permit issued by the department under AS 47.32
31 [AS 47.35.085].

1 * **Sec. 23.** AS 47.10.990(10) is amended to read:

2 (10) "foster care" means care provided by a person or household under
3 a foster home license required under AS 47.32 [AS 47.35.015];

4 * **Sec. 24.** AS 47.10.990(24) is amended to read:

5 (24) "secure residential psychiatric treatment center" has the meaning
6 given "residential psychiatric treatment center" in AS 47.32.900 [AS 47.35.900].

7 * **Sec. 25.** AS 47.12.990(14) is amended to read:

8 (14) "secure residential psychiatric treatment center" has the meaning
9 given "residential psychiatric treatment center" in AS 47.32.900; [AS 47.35.900.]

10 * **Sec. 26.** AS 47.24.013(a) is amended to read:

11 (a) If a report received under AS 47.24.010 regards the abandonment,
12 exploitation, abuse, neglect, or self-neglect of a vulnerable adult who is 60 years of
13 age or older that is alleged to have been committed by or to have resulted from the
14 negligence of the staff or a volunteer of an out-of-home care facility, including a
15 facility licensed under AS 47.32 [AS 18.20], in which the vulnerable adult resides, the
16 department shall transfer the report for investigation to the long term care ombudsman
17 under AS 47.62.015.

18 * **Sec. 27.** AS 47.24.017(d) is amended to read:

19 (d) If the protective services under this section include the placement of a
20 vulnerable adult in an assisted living home at the state's expense, the minimum daily
21 reimbursement rate to the assisted living home for the vulnerable adult is \$70. The
22 department may, under its regulations, provide for a daily rate higher than \$70 if the
23 additional care provided to the vulnerable adult in the assisted living home justifies the
24 additional reimbursement. In this subsection, "assisted living home" means an assisted
25 living home licensed under AS 47.32 [AS 47.33].

26 * **Sec. 28.** AS 47.25.071(b) is amended to read:

27 (b) To qualify for a grant under (a) or (d) of this section, the child care facility
28 must

29 (1) be currently licensed under AS 47.32 [AS 47.35] and applicable
30 municipal licensing requirements;

31 (2) participate in the day care assistance program under AS 47.25.001 -

1 47.25.095; and

2 (3) provide care under a payment system as provided in (g) of this
3 section.

4 * **Sec. 29.** AS 47.25.095(2) is amended to read:

5 (2) "child care facility" means an establishment licensed as a child
6 care facility under AS 47.32 [AS 47.35], including day care center, family day care
7 homes, and schools for preschool age children, that provides care for children not
8 related by blood, marriage, or legal adoption to the owner, operator, or manager of the
9 facility;

10 * **Sec. 30.** AS 47.25.095(4) is amended to read:

11 (4) "day care facility" means a center or home licensed in accordance
12 with the provisions of AS 47.32 as a child care facility [AS 47.35] or recognized by
13 the federal government for the care of children;

14 * **Sec. 31.** AS 47.25.195(f)(1) is amended to read:

15 (1) "assisted living home" means an assisted living home licensed
16 under AS 47.32 [AS 47.33];

17 * **Sec. 32.** AS 47.30.915(5) is amended to read:

18 (5) "evaluation facility" means a health care facility that has been
19 designated or is operated by the department to perform the evaluations described in
20 AS 47.30.660 - 47.30.915, or a medical facility licensed under AS 47.32
21 [AS 18.20.020] or operated by the federal government;

22 * **Sec. 33.** AS 47.31.100(4) is amended to read:

23 (4) "evaluation facility" means a health care facility that has been
24 designated by the department to perform the evaluations described in AS 47.30.670 -
25 47.30.915, including a facility licensed under AS 47.32 [AS 18.20.020] or operated by
26 the federal government;

27 * **Sec. 34.** AS 47 is amended by adding a new chapter to read:

28 **Chapter 32. Centralized Licensing and Related Administrative Procedures.**

29 **Sec. 47.32.010. Purpose and applicability.** (a) The purpose of this chapter
30 is to establish centralized licensing and related administrative procedures for the
31 delivery of services in this state by the entities listed in (b) of this section. These

1 procedures are intended to promote safe and appropriate services by setting standards
2 for licensure that will reduce predictable risk; improve quality of care; foster
3 individual and patient rights; and otherwise advance public health, safety, and welfare.

4 (b) This chapter and regulations adopted under this chapter apply to the
5 following entities:

- 6 (1) ambulatory surgical centers;
- 7 (2) assisted living homes;
- 8 (3) child care facilities;
- 9 (4) child placement agencies;
- 10 (5) foster homes;
- 11 (6) free-standing birth centers;
- 12 (7) home health agencies;
- 13 (8) hospices, or agencies providing hospice services or operating
14 hospice programs;
- 15 (9) hospitals;
- 16 (10) intermediate care facilities for the mentally retarded;
- 17 (11) maternity homes;
- 18 (12) nursing facilities;
- 19 (13) residential child care facilities;
- 20 (14) residential psychiatric treatment centers;
- 21 (15) rural health clinics;
- 22 (16) runaway shelters.

23 **Sec. 47.32.020. Requirement to obtain a license.** (a) An entity may not
24 operate a facility described in AS 47.32.010(b) without first obtaining a license under
25 this chapter unless the entity is exempt under regulations adopted under AS 47.32.030.

26 (b) If an entity encompasses more than one type of activity listed in
27 AS 47.32.010(b), the entity shall apply for and receive a separate license under this
28 chapter before operating that type of activity unless exempt under regulations adopted
29 under AS 47.32.030.

30 **Sec. 47.32.030. Powers of the department.** (a) The department may

- 31 (1) administer and enforce the provisions of this chapter;

1 (2) coordinate and develop policies, programs, and planning related to
2 licensure and operation of entities listed in AS 47.32.010(b);

3 (3) adopt regulations necessary to carry out the purposes of this
4 chapter, including regulations that

5 (A) establish fees for licensing of each type of entity listed in
6 AS 47.32.010(b);

7 (B) impose requirements for licensure, including standards for
8 license renewal, that are in addition to the requirements of this chapter or of
9 any other applicable state or federal statute or regulation;

10 (C) impose requirements and standards on licensed entities that
11 are in addition to those imposed by this chapter or by any other applicable state
12 or federal statute or regulation, including

13 (i) requirements and standards necessary for an entity or
14 the state to receive money from the department from any source,
15 including federal money;

16 (ii) record-keeping requirements;

17 (iii) reporting requirements; and

18 (iv) requirements and standards regarding health, safety,
19 and sanitation;

20 (D) provide for waivers, variances, and exemptions from the
21 requirements of this chapter, including the requirement to obtain a license, if
22 the department finds it necessary for the efficient administration of this
23 chapter; and

24 (E) establish requirements for the operation of entities licensed
25 under this chapter;

26 (4) investigate

27 (A) entities described in AS 47.32.010(b);

28 (B) applicants for licensure, including individuals named in an
29 application; and

30 (C) other persons that the department has reason to believe are
31 operating an entity required to be licensed under this chapter, or are residing or

1 working in an entity for which licensure has been sought under this chapter;
2 this subparagraph does not apply to persons receiving services from an entity
3 for which licensure has been sought under this chapter;

4 (5) inspect and monitor licensed entities for compliance with this
5 chapter, regulations adopted under this chapter, and any other applicable statutes or
6 regulations;

7 (6) enter into contracts and agreements necessary to carry out the
8 functions, powers, and duties of the department under this chapter;

9 (7) enter into agreements with private entities, municipalities, and
10 individuals to investigate and make recommendations to the department regarding the
11 licensure and monitoring of entities under this chapter;

12 (8) require an individual who is or will be operating an entity to
13 complete training related to the operation of the entity;

14 (9) waive the application requirements for an entity seeking licensure
15 if the entity submits documentation verifying that it

16 (A) has a license issued by an organization or other agency that
17 has licensing authority under state or federal law if the standards for that
18 licensure are approved by the department under this chapter or regulations
19 adopted under this chapter;

20 (B) has accreditation from a nationally recognized organization
21 if the standards for that accreditation are equal to or more stringent than the
22 standards for licensure under this chapter or regulations adopted under this
23 chapter; or

24 (C) is an entity that federal law does not require to be licensed.

25 (b) Nothing in this chapter obligates the department to provide financial
26 support to an entity licensed under this chapter.

27 **Sec. 47.32.040. Application for license.** A person shall apply to the
28 department for a license under this chapter. The application must be made to the
29 department on a form provided by the department or in a format approved by the
30 department, and must be accompanied by

31 (1) any fee established by regulation; and

1 (2) documents and information required by regulation.

2 **Sec. 47.32.050. Provisional license; biennial license.** (a) The department
3 may issue a provisional license to an entity for which application is made under
4 AS 47.32.040 if, after inspection and investigation, the department determines that the
5 application and the entity meet the requirements of this chapter, regulations adopted
6 under this chapter, and any other applicable statutes or regulations. A provisional
7 license is valid for a period not to exceed one year, except that the department may
8 extend a provisional license for one additional period not to exceed one year.

9 (b) Before expiration of a provisional license issued under (a) of this section,
10 the department shall inspect and investigate the entity to determine whether the entity
11 is operating in compliance with this chapter, regulations adopted under this chapter,
12 and any other applicable statutes or regulations. After inspection and investigation
13 under this subsection and before expiration of a provisional license, the department
14 shall issue a biennial license for the entity if the department finds that

15 (1) the entity meets the requirements for biennial licensure established
16 in this chapter, regulations adopted under this chapter, and other applicable statutes
17 and regulations;

18 (2) a ground for nonrenewal of a license does not exist; and

19 (3) any applicable fee has been paid.

20 (c) The department may place one or more conditions on a provisional or
21 biennial license issued under this section in order to further the purposes of this
22 chapter.

23 **Sec. 47.32.060. License renewal.** (a) At least 90 days before expiration of a
24 biennial license, a licensed entity that intends to remain licensed shall submit an
25 application for renewal of the license on a form provided by the department or in a
26 format approved by the department, accompanied by

27 (1) all documents and information identified in regulation as being
28 required for renewal of the license; and

29 (2) any fee established by regulation.

30 (b) Before expiration of a biennial license, the department or its representative
31 may inspect an entity that is the subject of a renewal application to determine whether

1 the entity is operating in compliance with this chapter, regulations adopted under this
2 chapter, and other applicable statutes or regulations. After any inspection and
3 investigation under this subsection and before expiration of the biennial license, the
4 department shall renew a biennial license if the department finds that

- 5 (1) the licensed entity meets the requirements for renewal;
- 6 (2) a ground for nonrenewal of a license does not exist; and
- 7 (3) any applicable fee has been paid.

8 (c) If an application for renewal of a license is submitted but the department is
9 unable to complete its review of the application before the expiration of the biennial
10 license, the license is automatically extended for six months or until the department
11 completes its review and either approves or denies the application, whichever occurs
12 earlier.

13 (d) The department may place one or more conditions on a renewed license
14 issued under this section to further the purposes of this section.

15 (e) The department shall adopt regulations establishing the grounds for
16 nonrenewal of a license for purposes of AS 47.32.050 and this section.

17 **Sec. 47.32.070. Denial of or conditions on license.** (a) If the department
18 denies an application for or places conditions on a provisional or biennial license or
19 license renewal, the department shall provide the applicant or entity with a notice of
20 the action by certified mail. The notice must contain a written statement of the reason
21 for the action and information about requesting a hearing under (b) of this section.

22 (b) An applicant or entity that receives a notice of action under (a) of this
23 section may appeal the department's decision by requesting a hearing within 15 days
24 after receipt of the notice. The appeal must be on a form provided by the department
25 or in a format approved by the department.

26 **Sec. 47.32.080. Posting of license; license not transferable.** (a) A license
27 issued under this chapter shall be posted in a conspicuous place on the licensed
28 premises. Any notice of a variance issued by the department shall be posted near the
29 license.

30 (b) A license issued under this chapter is not transferable unless authorized by
31 the department.

1 **Sec. 47.32.090. Complaints and investigation.** (a) A person who believes
2 that an entity has violated an applicable statute or regulation or a condition of a license
3 issued under this chapter may file a verbal or written complaint with the department.

4 (b) The department may investigate a complaint filed under this section. The
5 department may decline to investigate a complaint if the department reasonably
6 concludes and documents that the complaint is without merit based on information
7 available to the department at the time of the complaint. The department may
8 consolidate complaints if the department concludes that a single investigation would
9 further the efficient administration of this chapter.

10 (c) A licensed entity may not take retaliatory action against a person who files
11 a complaint. Except as provided in AS 47.32.160, a complainant against whom a
12 retaliatory action has been taken may recover treble damages in a civil action upon a
13 showing that the action was taken in retaliation for the filing of a complaint.

14 **Sec. 47.32.100. Cooperation with investigation.** An entity shall cooperate
15 with an investigation initiated by the department. An investigated entity shall

16 (1) permit representatives of the department to inspect the entity;
17 review records, including files of individuals who received services from the entity;
18 interview staff; and interview individuals receiving services from the entity; and

19 (2) upon request, provide the department with information and
20 documentation regarding compliance with applicable statutes and regulations.

21 **Sec. 47.32.110. Right of access and inspection.** (a) A designated agent or
22 employee of the department shall have right of access to an entity

23 (1) to determine whether an application for licensure or renewal is
24 appropriate;

25 (2) to conduct a complaint investigation;

26 (3) to conduct a standard inspection;

27 (4) to inspect documents, including personnel records, accounts, the
28 building, or the premises;

29 (5) to interview staff or residents; or

30 (6) if the department has reasonable cause to believe that the entity is
31 operating in violation of this chapter or the regulations adopted under this chapter.

1 (b) If an entity denies access, the department may petition the court for an
2 order permitting access, or the department may seek to revoke the entity's license
3 under AS 47.32.140.

4 (c) Upon petition of the department and after a hearing held upon reasonable
5 notice to the entity, the court shall issue an order to an officer or employee of the
6 department authorizing the officer or employee to enter for any of the purposes
7 described in (a) of this section.

8 **Sec. 47.32.120. Report.** (a) Within 10 working days after completing an
9 investigation or inspection under AS 47.32.090 - 47.32.110, the department shall
10 prepare a report of the results of the investigation or inspection and mail a copy of the
11 report to the entity. The report shall include a description of

12 (1) any violation, including a citation to each statute or regulation that
13 has been violated; and

14 (2) any enforcement action the department intends to take under
15 AS 47.32.130 or 47.32.140.

16 (b) An entity that receives a copy of a report under this section may submit a
17 written response to the report to the department. The department may require an entity
18 to submit a response to a report received under this section.

19 (c) Within 14 days after the entity receives a copy of the report under this
20 section, upon request of the complainant, the department shall provide a copy of the
21 report to the complainant.

22 **Sec. 47.32.130. Enforcement action: immediate revocation or suspension.**

23 (a) If the department's report of investigation or inspection under AS 47.32.120
24 concludes that the department has reasonable cause to believe that a violation of an
25 applicable statute or regulation has occurred that presents an immediate danger to the
26 health, safety, or welfare of an individual receiving services from the entity, the
27 department, without an administrative hearing and without providing an opportunity to
28 cure or correct the violation, may immediately revoke or suspend the entity's license
29 or, if the entity is not licensed under this chapter, may revoke the entity's ability to
30 become licensed under this chapter or to provide services as an entity exempted under
31 this chapter. A suspension or revocation under this subsection takes effect

1 ..nmediately upon initial notice to the entity from the department, is in addition to any
2 enforcement action under AS 47.32.140, and continues until a final determination
3 under (c) of this section or AS 47.32.150.

4 (b) Notice unde. this section shall be provided as follows:

5 (1) the department shall provide initial notice to the entity at the time
6 the department determines that an immediate suspension or revocation is required;
7 initial notice may be oral, except that, if an entity representative is not present at the
8 entity, the department shall post written notice on the front door of the entity; the
9 initial notice must provide information regarding the entity's appeal rights;

10 (2) the department shall provide formal written notice to the entity
11 within 14 working days after the immediate revocation or suspension decision; formal
12 written notice must include

13 (A) a copy of the department's report under AS 47.32.120, a
14 statement of the entity's right to submit a written response to the report, and
15 any department requirement that the entity submit a written response to the
16 report;

17 (B) a description of any enforcement action the department
18 intends to take under AS 47.32.140(d) or (f); and

19 (C) information regarding the entity's appeal rights.

20 (c) An entity to which a notice has been provided under this section may
21 appeal the department's decision to impose the enforcement action, including an
22 enforcement action the department intends to take under AS 47.32.140(d) or (f), by
23 filing a written request for a hearing, on a form provided by the department, within 15
24 days after receipt of the notice. If a hearing is not timely requested under this
25 subsection, the department's notice constitutes a final administrative order for which
26 the department may seek the court's assistance in enforcing.

27 **Sec. 47.32.140. Enforcement actions.** (a) If the department's report of
28 investigation or inspection under AS 47.32.120 concludes that the department has
29 reasonable cause to believe that a violation of an applicable statute or regulation has
30 occurred, the department shall provide notice to the entity of the violation and an
31 opportunity to cure the violation within a reasonable time specified by the department.

1 The notice must include a copy of the department's report under AS 47.32.120, a
2 statement that the entity may submit a written response to the report, any department
3 requirement that the entity submit a written response to the report, a description of any
4 enforcement action the department intends to take under (d) or (f) of this section, and
5 information regarding the entity's appeal rights.

6 (b) An entity receiving a notice under (a) of this section, or a notice under
7 AS 47.32.130(b)(2) that contains the information specified in AS 47.32.130(b)(2)(B),
8 shall submit a plan of correction to the department for approval. Once it has cured its
9 violations, the entity shall submit to the department an allegation of compliance.
10 Upon receipt of the allegation of compliance, the department may conduct a follow-up
11 investigation or inspection to determine compliance. The department may take one or
12 more enforcement actions under (d) and (f) of this section regardless of whether the
13 entity achieves compliance under this subsection.

14 (c) If the department believes that an entity has not voluntarily corrected the
15 violation or entered into a plan of correction with the approval of the department, the
16 department may require that the entity participate in a plan of correction under
17 regulations of the department. Once the entity has cured its violations, it shall submit
18 to the department an allegation of compliance. Upon receipt of the allegation of
19 compliance, the department may conduct a follow-up investigation or inspection to
20 determine compliance. The department may take one or more enforcement actions
21 under (d) and (f) of this section regardless of whether the entity achieves compliance
22 under this subsection.

23 (d) The department may take one or more of the following enforcement
24 actions under this section:

25 (1) delivery of a warning notice to the licensed entity and to any
26 additional person who was the subject of the investigation or inspection;

27 (2) modification of the term or scope of the entity's existing license,
28 including changing a biennial license to a provisional license or adding a condition to
29 the license;

30 (3) suspension of the entity's operations for a period of time set by the
31 department;

1 (4) suspension of or a ban on the entity's provision of services to
2 individuals not already receiving services from the entity for a period of time set by
3 the department;

4 (5) nonrenewal of the entity's license;

5 (6) revocation of the entity's license or, if the entity is not licensed
6 under this chapter, revocation of the entity's ability to become licensed under this
7 chapter;

8 (7) issuance of an order requiring closure, immediate or otherwise, of
9 the entity regardless of whether the entity is licensed or unlicensed;

10 (8) denial of payments under AS 47.07 for the entity's provision of
11 services to an individual not already receiving services from the entity;

12 (9) assumption of either temporary or permanent management of the
13 entity or pursuit of a court-ordered receiver for the entity;

14 (10) reduction of the number of individuals receiving services from the
15 entity under the license;

16 (11) imposition of a penalty authorized under law;

17 (12) inclusion in the registry established under AS 47.05.330;

18 (13) requirement that the entity prepare and submit a plan of
19 correction.

20 (e) The department may not take action under (d)(9) of this section unless the
21 commissioner has reasonable cause to believe that continued management by the
22 entity while the entity is attempting to cure a violation would be injurious to the
23 health, safety, or welfare of an individual who is receiving a service from the entity.

24 (f) In addition to any other enforcement actions the department may take
25 under this section, the department may assess a civil fine against an entity for a
26 violation of an applicable statute or regulation, taking into account the type and size of
27 the entity and the type and severity of the violation. A fine assessed under this
28 subsection may not exceed \$2,500 a day for each day of violation for a continuing
29 violation or \$25,000 for a single violation.

30 (g) An entity to which a notice has been provided under this section regarding
31 an enforcement action under (d) or (f) of this section may appeal the department's

1 decision to impose the enforcement action by filing a written request for a hearing, on
2 a form provided by the department, within 15 days after receipt of the notice of the
3 enforcement action.

4 (h) An enforcement action under (d) or (f) of this section may not be imposed
5 until

6 (1) the time period for requesting a hearing under AS 47.32.130(c) or
7 under (g) of this section, as applicable, has passed without a hearing being requested;
8 or

9 (2) a final agency decision has been issued following a hearing
10 requested under AS 47.32.130(c) or under (g) of this section, as applicable.

11 (i) If a hearing is not timely requested under AS 47.32.130(c) or under (g) of
12 this section, as applicable, the department's notice regarding an enforcement action
13 under (d) or (f) of this section constitutes a final administrative order. The department
14 may seek the court's assistance in enforcing the final administrative order.

15 (j) An entity against which an enforcement action under (d) or (f) of this
16 section has been taken may not apply for a license or license renewal until after the
17 time period set by the department in its final administrative order under
18 AS 47.32.130(c), this section, or AS 47.32.150, as applicable. If a time period has not
19 been set, a final administrative order against the entity has the effect of a permanent
20 revocation and the entity may not apply for a license or license renewal. If the
21 ownership, control, or management of an entity changes, the department may allow
22 the entity to seek licensure if the entity submits documents showing the change.

23 (k) Assessment of a civil fine under this section does not preclude imposition
24 of a criminal penalty under AS 47.32.170.

25 **Sec. 47.32.150. Hearings.** (a) Upon receipt of a timely request for a hearing
26 by an entity regarding an enforcement action under AS 47.32.130(a) or
27 47.32.140(d)(3), (5), (6), (7), or (9), the department shall request the chief
28 administrative law judge appointed under AS 44.64.020 to appoint an administrative
29 law judge employed or retained by the office of administrative hearings to preside
30 over a hearing conducted under this section. AS 44.64.060 applies to the hearing.

31 (b) Upon receipt of a timely request for a hearing by an entity regarding an

1 enforcement action under AS 47.32.070 or 47.32.140(d)(1), (2), (4), (8), (10), (11),
2 (12), or (13), the department shall conduct a hearing in front of an officer appointed by
3 the commissioner. A hearing under this subsection may be conducted on the record,
4 in an informal manner, and shall not be conducted under AS 44.62 or AS 44.64. The
5 appointed hearing officer may be a state employee.

6 (c) The decision following a hearing conducted under (a) or (b) of this section
7 constitutes a final agency administrative order.

8 (d) A hearing conducted under this section shall take place within 120 days
9 after the department's receipt of the request for hearing. A hearing may be held on an
10 expedited basis upon a showing of good cause. An expedited hearing shall be held
11 within 60 days after the department's receipt of the request for a hearing.

12 **Sec. 47.32.160. Immunity.** (a) The department, its employees, and its agents
13 are not liable for civil damages as a result of an act or omission in the licensure
14 process, the monitoring of a licensed entity, or any activities under this chapter.

15 (b) A volunteer who works for a hospice program licensed under this chapter
16 is not liable for damages for personal injury, wrongful death, or property damage for
17 an act or omission committed in the course of hospice-related duties unless the act or
18 omission constitutes gross negligence, recklessness, or intentional misconduct.

19 (c) An entity that obtains information about an employee under a criminal
20 history check under AS 47.05.310 may use that information only as provided in
21 regulations adopted by the department under AS 47.05.320. However, if that entity
22 reasonably relies on that information in denying employment for an individual
23 selected for hire as an employee, including during a period of provisional
24 employment, the entity is not liable in an action brought by the individual based on the
25 employment determination resulting from the information.

26 **Sec. 47.32.170. Criminal penalty.** A person who intentionally or with
27 criminal negligence violates a provision of this chapter or a regulation adopted under
28 this chapter related to the health and safety of persons served by an entity required to
29 comply with this chapter is guilty of a class B misdemeanor.

30 **Sec. 47.32.180. Confidentiality; release of certain information.** (a) Except
31 as otherwise provided by law, the following are confidential and may not be disclosed

1 to the public without a court order: complaints; investigations; inspections; records
2 related to a complaint, investigation, or inspection; and the identity of a complainant
3 and of individuals receiving services from an entity.

4 (b) With the exception of information that identifies a complainant or a
5 recipient of services from an entity, a copy of the department's report of investigation
6 or inspection under AS 47.32.120, an entity's written response to the report, and
7 information regarding any department imposition of an enforcement action under
8 AS 47.32.130 or 47.32.140 are public records under AS 40.25. The department shall
9 make this information available to the public for inspection and copying within
10 timeframes specified in AS 40.25 or regulations adopted under AS 40.25 after the

11 (1) entity receives its copy of the report of investigation under
12 AS 47.32.120, if the department has determined that an enforcement action under AS
13 47.32.130 or 47.32.140 will not be taken regarding the entity;

14 (2) department's notice of enforcement action under AS 47.32.130 or
15 47.32.140 becomes a final administrative order without a hearing under
16 AS 47.32.130(c) or 47.32.140(i); or

17 (3) issuance of a decision following a hearing under AS 47.32.150.

18 **Sec. 47.32.190. Access to information.** Notwithstanding any contrary
19 provision of law, the divisions of the department assigned public health and public
20 assistance functions shall have access to any information compiled or retained by
21 other divisions within the department, regardless of the nature of the information or
22 whether the information is considered confidential, in order to assist in administering
23 the provisions of this chapter.

24 **Sec. 47.32.200. Notice of changes from an entity.** (a) An entity shall
25 provide the department with written notice of a change of mailing address at least 14
26 days before the effective date of the change.

27 (b) An entity shall notify the department within 24 hours after having
28 knowledge that an administrator, employee, volunteer, or household member, as
29 required by the type of entity under department regulations, has been

30 (1) convicted of, has been charged by information or complaint with,
31 or is under indictment or presentment for an offense listed in regulations adopted

1 under AS 47.05.310 or a law or ordinance of this or another jurisdiction with similar
2 elements; or

3 (2) found to have neglected or abused a child as described in AS 47.10.

4 (c) An entity shall notify the department within 24 hours after having
5 knowledge of any allegation or suspicion of abuse, neglect, or misappropriation of
6 money or other property of an individual receiving services from the entity. The entity
7 shall conduct an investigation and make a written report to the department within five
8 days following notification to the department under this subsection.

9 (d) Not less than 20 days before the effective date of a decision to relinquish
10 the entity's license, the entity shall notify the department of the decision.

11 (e) Not more than one day after signing a contract for sale of the licensed
12 entity, the entity shall notify the department of the sale.

13 (f) Not less than 30 days before an entity wishes to change the location of the
14 entity, the entity shall notify the department of the change.

15 **Sec. 47.32.900. Definitions.** In this chapter.

16 (1) "ambulatory surgical center"

17 (A) means a facility that

18 (i) is not a part of a hospital or a physician's general
19 medical practice; and

20 (ii) operates primarily for the purpose of providing
21 surgical services to patients who do not require hospitalization; and

22 (B) includes a facility that performs invasive diagnostic or
23 therapeutic services;

24 (2) "assisted living home"

25 (A) means a residential facility that serves three or more adults
26 who are not related to the owner by blood or marriage, or that receives state or
27 federal payment for services regardless of the number of adults served; the
28 department shall consider a facility to be an assisted living home if the facility

29 (i) provides housing and food services to its residents;

30 (ii) offers to provide or obtain for its residents
31 assistance with activities of daily living; or

1 (iii) provides or offers any combination of these
2 services;

3 (B) does not include

4 (i) a correctional facility;

5 (ii) an emergency shelter;

6 (iii) a program licensed under AS 47.10.310 for
7 runaway minors;

8 (iv) a type of entity listed in AS 47.32.010(b)(5), (8),
9 (9), (10), (11), or (12);

10 (3) "child placement agency" means an agency that arranges for
11 placement of a child

12 (A) in a foster home, residential child care facility, or adoptive
13 home; or

14 (B) for guardianship purposes;

15 (4) "commissioner" means the commissioner of health and social
16 services;

17 (5) "department" means the Department of Health and Social Services;

18 (6) "entity" means an entity listed in AS 47.32.010(b);

19 (7) "foster home" means a place where the adult head of household
20 provides 24-hour care on a continuing basis to one or more children who are apart
21 from their parents;

22 (8) "free-standing birth center" means a facility that is not a part of a
23 hospital and that provides a birth service to maternal clients;

24 (9) "frontier extended stay clinic" means a rural health clinic that is
25 authorized to provide 24-hour care to one or more individuals;

26 (10) "home health agency" means a public agency or private
27 organization, or a subdivision of a public agency or private organization, that
28 primarily engages in providing skilled nursing services in combination with physical
29 therapy, occupational therapy, speech therapy, or services provided by a home health
30 aide to an individual in the individual's home, an assisted living home, or another
31 residential setting; in this paragraph.

1 (A) "public agency" means an agency operated by the state or a
2 local government;

3 (B) "subdivision" means a component of a multi-function
4 facility or home health agency, such as the home health care division of a
5 hospital or the division of a public agency, that independently meets the
6 requirements for licensure as a home health agency;

7 (11) "hospice" or "agency providing hospice services or operating
8 hospice programs" means a program that provides hospice services;

9 (12) "hospice services" means a range of interdisciplinary palliative
10 and supportive services

11 (A) provided in a home or at an inpatient facility to persons
12 who are terminally ill and to those persons' families in order to meet their
13 physical, psychological, social, emotional, and spiritual needs; and

14 (B) based on hospice philosophy; for purposes of this
15 subparagraph "hospice philosophy" means a philosophy that is life affirming,
16 recognizes dying as a normal process of living, focuses on maintaining the
17 quality of remaining life, neither hastens nor postpones death, strengthens the
18 client's role in making informed decisions about care, and stresses the delivery
19 of services in the least restrictive setting possible and with the least amount of
20 technology necessary by volunteers and professionals who are trained to help a
21 client with the physical, social, psychological, spiritual, and emotional issues
22 related to terminal illness so that the client can feel better prepared for the
23 death that is to come;

24 (13) "hospital" means a public or private institution or establishment
25 devoted primarily to providing diagnosis, treatment, or care over a continuous period
26 of 24 hours each day for two or more unrelated individuals suffering from illness,
27 physical or mental disease, injury or deformity, or any other condition for which
28 medical or surgical services would be appropriate; "hospital" does not include a
29 frontier extended stay clinic;

30 (14) "intermediate care facility for the mentally retarded" has the
31 meaning given in 42 C.F.R. 440.150;

1 (15) "licensed entity" means an entity that has a license issued under
2 this chapter;

3 (16) "maternity home" means a place of residence the primary function
4 of which is to give care, with or without compensation, to pregnant individuals,
5 regardless of age, or that provides care, as needed, to mothers and their newborn
6 infants;

7 (17) "nursing facility" means a facility that is primarily engaged in
8 providing skilled nursing care and related services for those who, because of their
9 mental or physical condition, require care and services above the level of room and
10 board; "nursing facility" does not include a facility that is primarily for the care and
11 treatment of mental diseases;

12 (18) "residential child care facility" means a place, staffed by
13 employees, where one or more children who live apart from their parents receive 24-
14 hour care on a continuing basis;

15 (19) "residential psychiatric treatment center" means a secure or semi-
16 secure facility, or an inpatient program in another facility, that provides, under the
17 direction of a physician, psychiatric diagnostic, evaluation, and treatment services on a
18 24-hour-a-day basis to children with severe emotional or behavioral disorders;

19 (20) "runaway shelter" means a facility housing a runaway child;

20 (21) "rural health clinic"

21 (A) means a facility or clinic that is authorized to provide
22 health care services and is located in a rural area;

23 (B) includes a frontier extended stay clinic;

24 (C) does not include a rehabilitation agency or a facility
25 primarily for the care and treatment of mental diseases.

26 * **Sec. 35.** AS 47.32.010, added by sec. 34 of this Act, is amended by adding a new
27 subsection to read:

28 (c) The provisions of AS 47.05.300 - 47.05.390, regarding criminal history,
29 criminal history checks, criminal history use standards, and a centralized registry,
30 apply to entities listed in (b) of this section, as provided in AS 47.05.300.

31 * **Sec. 36.** AS 47.33.010 is amended to read:

1 **Sec. 47.33.010. Applicability.** (a) Except as provided in (b) of this section,
2 this chapter applies to residential facilities operated in the state that serve three or
3 more adults who are not related to the owner of the facility by blood or marriage by

4 (1) providing housing and food service to its residents; and
5 (2) providing or obtaining, or offering to provide or obtain for its
6 residents

7 (A) assistance with the activities of daily living;

8 (B) personal assistance; or

9 (C) a combination of services under (A) and (B) of this
10 paragraph.

11 (b) Notwithstanding (a) of this section, this chapter does not apply to

12 (1) a correctional facility;

13 (2) a facility for treatment of alcoholism that is regulated under
14 AS 47.37;

15 (3) an emergency shelter;

16 (4) a medical facility, including a nursing home, licensed under
17 AS 47.32 [AS 18.20];

18 (5) a program for runaway minors licensed under AS 47.10.310; or

19 (6) a maternity home licensed under AS 47.32 [AS 47.35].

20 * **Sec. 37.** AS 47.33.070(a) is amended to read:

21 (a) An assisted living home shall maintain, for each resident of the home, a
22 file that includes

23 (1) the name and birth date, and, if provided by the resident, the social
24 security number of the resident;

25 (2) the name, address, and telephone number of the resident's closest
26 relative, service coordinator, if any, and representative, if any;

27 (3) a statement of what actions, if any, the resident's representative is
28 authorized to take on the resident's behalf;

29 (4) a copy of the resident's assisted living plan;

30 (5) a copy of the residential services contract between the home and
31 the resident;

1 (6) a notice, as required under AS 47.33.030, regarding the depository
2 in which the resident's advance payment money is being held;

3 (7) written acknowledgment by the resident or the resident's
4 representative that the resident has received a copy of and has read, or has been read
5 the

6 (A) resident's rights under AS 47.33.300;

7 (B) resident's right to pursue a grievance under AS 47.33.340;

8 (C) resident's right to protection from retaliation under
9 AS 47.33.350;

10 (D) provisions of AS 47.32.160 [AS 47.33.510], regarding
11 immunity; and

12 (E) home's house rules;

13 (8) an acknowledgment and agreement relating to home safekeeping
14 and management of the resident's money, as required by AS 47.33.040;

15 (9) a copy of the resident's living will, if any, or an advance health care
16 directive made under AS 13.52, if any; and

17 (10) a copy of a power of attorney or other written designation,
18 including an advance health care directive made under AS 13.52, of an agent,
19 representative, or surrogate by the resident.

20 * **Sec. 38.** AS 47.40.021 is amended to read:

21 **Sec. 47.40.021. Licensing and supervision.** Facilities providing services that
22 are purchased by the department under AS 47.40.011 - 47.40.091 [.] shall, if required
23 by the department, be licensed and supervised under AS 47.32 [AS 47.35].

24 * **Sec. 39.** AS 47.40.110 is amended to read:

25 **Sec. 47.40.110. Licensing and supervision.** A person providing services
26 purchased by the Department of Health and Social Services under AS 47.40.100 -
27 47.40.120 shall, if required to be licensed under AS 47.32 [AS 47.35], be licensed and
28 supervised in the same manner as foster homes and maternity homes under AS 47.32
29 [AS 47.35].

30 * **Sec. 40.** AS 47.55.010(d) is amended to read:

31 (d) The department may employ the necessary subordinate officers and

1 employees, and shall prescribe methods for operation of the homes, standards of care
2 and service to home residents, and rules governing personnel. The methods for
3 operation and standards of care and services to residents prescribed under this
4 subsection shall be the same as the methods for operation and standards of care
5 established by the department for an assisted living home licensed under AS 47.32
6 [AS 47.33].

7 * **Sec. 41.** AS 47.62.090(2) is amended to read:

8 (2) "long term care facility" means an assisted living home, as defined
9 in AS 47.32.900, [THAT IS REQUIRED TO BE LICENSED UNDER AS 47.33] and
10 a nursing facility, [HOME] as defined in AS 47.32.900 [AS 08.70.180];

11 * **Sec. 42.** AS 47.80.140 is repealed and reenacted to read:

12 **Sec. 47.80.140. Licensing and certificates of need.** (a) A person may not
13 establish or operate a residential facility until the facility has been licensed under
14 AS 47.32.

15 (b) A certificate of need is required as a prerequisite for the licensing of a
16 residential facility established after July 1, 1978, and not otherwise provided for in
17 AS 18.07.031 - 18.07.111. A certificate shall be issued and regulated in the same
18 manner as provided in AS 18.07.031 - 18.07.111 for certificates of need for health
19 care facilities. This subsection does not apply to an assisted living home licensed
20 under AS 47.32.

21 * **Sec. 43.** AS 14.43.148(h)(1)(B)(iii) is repealed.

22 * **Sec. 44.** AS 18.05.040(a)(10); AS 18.18.005, 18.18.010, 18.18.020, 18.18.030,
23 18.18.040, 18.18.100, 18.18.200, 18.18.300, 18.18.310, 18.18.320, 18.18.330, 18.18.340,
24 18.18.350, 18.18.390, 18.18.410, 18.18.420, 18.18.430, 18.18.440, 18.18.450, 18.18.460,
25 18.18.470, and 18.18.490 are repealed.

26 * **Sec. 45.** AS 18.20.010, 18.20.020, 18.20.030, 18.20.040, 18.20.050, 18.20.060,
27 18.20.070, 18.20.090, 18.20.110, 18.20.120, 18.20.130(2), 18.20.230, 18.20.240, 18.20.250,
28 18.20.260, and 18.20.302 are repealed.

29 * **Sec. 46.** AS 44.62.330(a)(15), 44.62.330(a)(17), and 44.62.330(a)(41) are repealed.

30 * **Sec. 47.** AS 44.64.030(a)(15), 44.64.030(a)(16), 44.64.030(a)(33), and
31 AS 44.64.030(a)(34) are repealed.

1 * **Sec. 48.** AS 47.33.100, 47.33.400, 47.33.410, 47.33.420, 47.33.430, 47.33.500,
2 47.33.510, 47.33.520, 47.33.530, 47.33.540, 47.33.550, 47.33.560, 47.33.570, 47.33.910,
3 47.33.920, 47.33.990(8), 47.33.990(11), and 47.33.990(14) are repealed.

4 * **Sec. 49.** AS 47.35.005, 47.35.010, 47.35.015, 47.35.017, 47.35.019, 47.35.021,
5 47.35.022, 47.35.023, 47.35.025, 47.35.027, 47.35.029, 47.35.033, 47.35.037, 47.35.039,
6 47.35.043, 47.35.045, 47.35.047, 47.35.048, 47.35.085, 47.35.105, 47.35.110, 47.35.120,
7 47.35.130, 47.35.132, 47.35.140, 47.35.800, 47.35.810, 47.35.820, and 47.35.900 are
8 repealed.

9 * **Sec. 50.** AS 47.37.270(2) and 47.37.270(3) are repealed.

10 * **Sec. 51.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 **APPLICABILITY REGARDING CERTAIN SECTIONS; DEPARTMENT ACTION.**

13 (a) The changes made by secs. 1 - 18, 20 - 34, 36 - 41, and 43 - 50 of this Act apply to

14 (1) applications or requests submitted within the 90 days before, or submitted
15 on or after, the effective dates of sec. 34 of this Act for initial licensure, certification, or other
16 approval of an entity listed in AS 47.32.010(b), enacted by sec. 34 of this Act; and

17 (2) applications submitted within the 90 days before, or submitted on or after,
18 the effective date of secs. 1 - 18, 20 - 34, 36 - 41, and 43 - 50 of this Act for renewal of a
19 license issued before the effective date of secs. 1 - 18, 20 - 34, 36 - 41, and 43 - 50 of this Act
20 under a statute repealed or amended by this Act, and regarding a type of entity listed in
21 AS 47.32.010(b), enacted by sec. 34 of this Act.

22 (b) The Department of Health and Social Services may not make a final determination
23 regarding an application or request described in (a) of this section earlier than the effective
24 date of secs. 1 - 18, 20 - 34, 36 - 41, and 43 - 50 of this Act.

25 * **Sec. 52.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 **APPLICABILITY REGARDING SEC. 19 OF THIS ACT; DEPARTMENT**
28 **ACTION.** (a) The changes made by sec. 19 of this Act apply to

29 (1) applications or requests submitted within the 30 days before, or submitted
30 on or after, the effective date of sec. 19 of this Act for initial licensure, certification, or other
31 approval or selection as any of the following:

1 (A) an entity or individual service provided that is subject to
2 AS 47.05.300 - 47.05.390, enacted by sec. 19 of this Act;

3 (B) an entity listed in AS 47.32.010(b), enacted by sec. 34 of this Act,
4 that is not described in (A) of this paragraph; and

5 (2) applications or requests submitted within the 30 days before, or submitted
6 on or after, the effective date of sec. 19 of this Act, for renewal of a license, certification, or
7 other approval or selection for an entity or individual service provider that is subject to
8 AS 47.05.300 - 47.05.390, enacted by sec. 19 of this Act.

9 (b) The Department of Health and Social Services may not make a final determination
10 regarding an application or request described in (a) of this section earlier than the effective
11 date of sec. 19 of this Act.

12 (c) In this section,

13 (1) "entity" includes an entity subject to AS 47.05.300 - 47.05.390, enacted by
14 sec. 19 of this Act, and an entity listed in AS 47.32.010(b), enacted by sec. 34 of this Act, that
15 is not subject to AS 47.05.300 - 47.05.390, enacted by sec. 19 of this Act;

16 (2) "individual service provider" has the meaning given in AS 47.05.390,
17 enacted by sec. 19 of this Act.

18 * **Sec. 53.** The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

20 **TRANSITION: CURRENTLY LICENSED OR APPROVED FACILITIES.** (a)
21 Notwithstanding AS 47.32.020, enacted by sec. 34 of this Act, a facility that is a type of entity
22 listed in AS 47.32.010(b), enacted by sec. 34 of this Act, and that on the effective date of secs.
23 1 - 18, 20 - 34, 36 - 41, and 43 - 50 of this Act is being operated under a valid license or under
24 an approval issued by the department under a statute repealed or amended by this Act, may
25 continue to be operated under that license or approval as provided in this section.

26 (b) References to AS 47.32 in the following sections are interpreted to include, until
27 June 30, 2006, the relevant former licensing provision repealed in this Act:

28 (1) AS 11.61.195(a), as amended by sec. 4 of this Act;

29 (2) AS 11.61.220(a), as amended by sec. 5 of this Act;

30 (3) AS 25.27.244(s)(2), as amended by sec. 14 of this Act;

31 (4) AS 47.05.010, as amended by sec. 17 of this Act;

- 1 (5) AS 47.05.055(a), as amended by sec. 18 of this Act;
- 2 (6) AS 47.10.141(b), as amended by sec. 20 of this Act;
- 3 (7) AS 47.10.392, as amended by sec. 21 of this Act;
- 4 (8) AS 47.10.399(2), as amended by sec. 22 of this Act;
- 5 (9) AS 47.10.990, as amended by secs. 23 and 24 of this Act;
- 6 (10) AS 47.24.013(a), as amended by sec. 26 of this Act;
- 7 (11) AS 47.24.017(d), as amended by sec. 27 of this Act;
- 8 (12) AS 47.25.071(b), as amended by sec. 28 of this Act;
- 9 (13) AS 47.25.095(2), as amended by sec. 29 of this Act;
- 10 (14) AS 47.25.095(4), as amended by sec. 30 of this Act;
- 11 (15) AS 47.25.195(f)(1), as amended by sec. 31 of this Act;
- 12 (16) AS 47.30.915(5), as amended by sec. 32 of this Act;
- 13 (17) AS 47.31.100(4), as amended by sec. 33 of this Act;
- 14 (18) AS 47.33.070(a), as amended by sec. 37 of this Act; and
- 15 (19) AS 47.55.010(d), as amended by sec. 40 of this Act.

16 (c) Until renewal or expiration of a current license under (d) or (e) of this section, the
17 requirements and standards, including department oversight, monitoring, and enforcement
18 actions, regarding operation of a facility that is authorized to continuing operating under this
19 section are those that were in effect in statute or regulation on the day before the effective date
20 of secs. 1 - 18, 20 - 34, 36 - 41, and 43 - 50 of this Act.

21 (d) Unless the terms of the facility's current license provide for an earlier expiration
22 date, and unless an enforcement action taken by the department as provided in (c) of this
23 section affects the validity of the current license, the expiration date of the current license of a
24 facility described in (a) of this section is June 30, 2006.

25 (e) Application for license renewal must be made under AS 47.32.060, enacted by
26 sec. 34 of this Act, by the date required by that statute, for a facility described in (a) of this
27 section for which renewal of licensure is desired before expiration of the facility's current
28 license. For purposes of renewal of a license under this subsection and AS 47.32.060, enacted
29 by sec. 34 of this Act, the current license for the facility is considered to be a biennial license
30 under AS 47.32.

31 (f) In this section,

1 (1) "current license" means a license or approval described in (a) of this
2 section;

3 (2) "department" means the Department of Health and Social Services.

4 * **Sec. 54.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 **TRANSITION: CERTAIN APPLICATIONS PENDING FOR MORE THAN 90**
7 **DAYS.** (a) An application for licensure or approval regarding a facility that is a type of
8 entity listed in AS 47.32.010(b), enacted by sec. 34 of this Act, that was submitted more than
9 90 days before the effective date of secs. 1 - 18, 20 - 34, 36 - 41, and 43 - 50 of this Act under
10 a statute repealed or amended by this Act and that is pending department action on the
11 effective date of secs. 1 - 18, 20 - 34, 36 - 41, and 43 - 50 of this Act shall continue to be
12 processed, and either granted or denied, by the department under the applicable statutes and
13 regulations that were in effect on the day before the effective date of secs. 1 - 18, 20 - 34, 36 -
14 41, and 43 - 50 of this Act.

15 (b) Until renewal or expiration of the license or approval under (c) or (d) of this
16 section, the requirements and standards, including department oversight, monitoring, and
17 enforcement actions, regarding operation of a facility licensed or approved as provided in (a)
18 of this section are those that were in effect in statute or regulation on the day before the
19 effective date of secs. 1 - 18, 20 - 34, 36 - 41, and 43 - 50 of this Act.

20 (c) Unless an enforcement action taken by the department as provided in (b) of this
21 section affects the validity of the license or approval, a license or approval issued by the
22 department on or after the effective date of secs. 1 - 18, 20 - 34, 36 - 41, and 43 - 50 of this
23 Act under the provisions of (a) of this section expires June 30, 2006.

24 (d) Application must be made under AS 47.32.060, enacted by sec. 34 of this Act, by
25 the date required by that statute, for a facility described in (a) of this section for which a
26 license or approval was issued under (a) of this section and for which renewal of a license is
27 desired, before expiration of the license or approval issued under (a) of this section. For
28 purposes of renewal of a license under this subsection and AS 47.32.060, enacted by sec. 34
29 of this Act, the license or approval issued under (a) of this section regarding the facility is
30 considered to be a biennial license under AS 47.32.

31 (e) In this section,

1 (1) "department" means the Department of Health and Social Services;

2 (2) "license" includes a renewed license.

3 * Sec. 55. The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 TRANSITION: PENDING APPLICATIONS AND OTHER REQUESTS
6 REGARDING SEC. 19 OF THIS ACT. (a) An application or other request for licensure,
7 certification, or other approval or selection as an entity or individual service provider that
8 would be subject to AS 47.05.300 - 47.05.390, enacted by sec. 19 of this Act, that was
9 submitted more than 30 days before the effective date of sec. 19 of this Act and is pending
10 department action on the effective date of sec. 19 of this Act shall continue to be processed,
11 and either granted or denied, by the department under the applicable statutes and regulations
12 that were in effect on the day before the effective date of sec. 19 of this Act. In this
13 subsection,

14 (1) "entity" means an entity that would be subject to AS 47.05.300 -
15 47.05.390, enacted by sec. 19 of this Act;

16 (2) "individual service provider" has the meaning given in AS 47.05.390,
17 enacted by sec. 19 of this Act.

18 (b) In this section,

19 (1) "department" means the Department of Health and Social Services;

20 (2) "license" includes a renewed license.

21 * Sec. 56. The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 TRANSITION: REGULATIONS. (a) The Department of Health and Social Services
24 may proceed to adopt regulations necessary to implement secs. 1 - 18, 20 - 34, 36 - 41, and 43
25 - 50 of this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act),
26 but not before the effective date of the statutory changes.

27 (b) The Department of Health and Social Services may proceed to adopt regulations
28 necessary to implement secs 19 and 35 of this Act. The regulations take effect under
29 AS 44.62 (Administrative Procedure Act).

30 * Sec. 57. The uncodified law of the State of Alaska is amended by adding a new section to
31 read:

1 CERTIFICATION OF EFFECTIVE DATE OF REGULATIONS. The lieutenant
2 governor shall certify to the revisor of statutes the effective date of the regulations adopted by
3 the Department of Health and Social Services under sec. 56 of this Act.

4 * **Sec. 58.** Sections 51, 54, and 56 of this Act take effect immediately under
5 AS 01.10.070(c).

6 * **Sec. 59.** Section 41 of this Act takes effect July 1, 2006.

7 * **Sec. 60.** Sections 19 and 35 of this Act take effect on the effective date of the regulations
8 adopted by the Department of Health and Social Services under sec. 56(b) of this Act, or
9 March 1, 2006, whichever is earlier, but in no event earlier than July 2, 2005.

10 * **Sec. 61.** Except as provided in secs. 58 - 60 of this Act, this Act takes effect July 2, 2005.

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR DYSON

TO: CSSB 125(), Draft Version "G"

1 Page 1, line 7, following "clinics;":

2 Insert "relating to possession of a firearm at licensed entities and facilities;"

3

4 Page 4, line 1, following "children":

5 Insert "except that a person 21 years of age or older may possess an unloaded
6 firearm in the trunk of a motor vehicle or encased in a closed container of a motor
7 vehicle"

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 3/2/05

FURTHER: Judiciary
Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 4.13.05

Health, Education and Social Services Committee considered SENATE BILL NO. 125

SB 125 LICENSING MEDICAL OR CARE FACILITIES

"An Act relating to the licensing, regulation, enforcement, and appeal rights of ambulatory surgical centers, assisted living homes, child care facilities, child placement agencies, foster homes, free-standing birth centers, home health agencies, hospices or agencies providing hospice services, hospitals, intermediate care facilities for the mentally retarded, maternity homes, nursing facilities, residential child care facilities, residential psychiatric treatment centers, and rural health clinics; relating to criminal history requirements, and a registry, regarding certain licenses, certifications, approvals, and authorizations by the Department of Health and Social Services; making conforming amendments; and providing for an effective date."

and recommends:

- be replaced with _____ CS SB 125 (HES)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:	
<input type="checkbox"/>	Same Title
<input checked="" type="checkbox"/>	New Title
House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DLAW	2/28	X			1
HSS	2/28			X	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	NO REC	AMEND
<i>Gary Miller</i>	✓			
<i>[Signature]</i>			✓	
<i>Lydia Green</i>	✓			
<i>[Signature]</i>			✓	
CHAIR: <i>[Signature]</i>	✓			



Municipality of Anchorage

151, 15th (1905th) • Anchorage, Alaska 99510-6850 • 828 "L" Street • <http://www.muni.org>



Mayor Mark Begich

Department of Health and Human Services

April 18, 2005

Senator Fred Dyson, Chair
Senate House, Education and Social Services Committee
Senator Ralph Seekins, Chair
Judiciary Committee
Alaska State Legislature
Juneau, Alaska

Dear Senators Dyson and Seekins:

I write to seek your support for an important change to SB125, which relates to the protection of children in child care facilities.

On April 13, 2005, I testified before the Senate HESS Committee on SB 125 containing the new statute relating to child care and other licensing authority, AS 47.32.030. I testified that the language needed to be re-inserted into the statute which allows the State to delegate to the home rule Municipalities, which request it, the authority to license child care facilities. Senator Dyson indicated that the Commissioner said that Anchorage is correct about the problem with the deletion of the language and assured me that this language would be included in the next version. He also reported that the bill would next go to the Judiciary Committee and thanked me for my testimony.

In reviewing the latest version of SB 125 dated 4/14/05, it does not contain this important language, but I understand that the State Department of Health and Social Services will be recommending an amendment to add the language.

The specific language from the current AS 47.35.010 (c) that we strongly recommend be re-inserted into AS 47.32.030 "Powers of Department" is as follows:

"The department shall, within 90 days after receiving a written request that it do so, delegate its powers relating to child care facilities under this chapter to a municipality that has adopted an ordinance providing for child care licensing under home rule powers under AS 29.10.010 or as authorized under AS 29.35.200 - 29.35.210. A municipality to which these powers have been delegated may adopt, by ordinance, additional requirements for child care facilities operating within its boundaries if the requirements meet or exceed the requirements adopted by the department."

We will work with the Senate Judiciary Committee and then the House to ensure the language is re-inserted. If you have further suggestions or questions, please let me know. I thank you for your on-going assistance to improve services for children.

Sincerely,

Martha M. Anderson

Martha M. Anderson
Manager, Child & Adult Care Program

cc: Virginia Tonkus

Community, Security, Prosperity

DHHS
MOA
CAC

ANDERSON, MGR CAC

907 343-4727

1 sheet + cover

SB

150



Health, Education, and Social Services Committee Alaska State Senate

SPONSOR STATEMENT

The Alaska Children's Trust was created by the Legislature in 1988 to help fund programs around the state aimed at preventing child abuse and neglect. Under current law, the trust may spend the net income earned by the trust to fund community based prevention programs. However, current statute limits the size of grants to \$50,000 and provides a specific formula for funding grants. This bill removes the \$50,000 cap and calls for the elimination of the funding formula. The changes proposed by the bill will allow trustees the flexibility to set maximum grant awards and funding formulas based on need with the issuance of each new RFP.

Article 03. ALASKA CHILDREN'S TRUST

Sec. 37.14.200. Alaska children's trust established.

(a) The Alaska children's trust is established as a separate endowment trust of the state.

(b) The principal of the trust consists of

(1) legislative appropriations to the trust; and

(2) gifts, bequests, and contributions of cash or other assets from a person.

(c) The net income of the trust shall be determined by the commissioner of revenue in accordance with investment accounting principles and in a manner that preserves the distinction between principal and income.

Sec. 37.14.210. Powers and duties of the commissioner of revenue. The commissioner of revenue is the treasurer of the trust and has the power and duty to

(1) act as official custodian of the cash and investments belonging to the trust by securing adequate and safe custodial facilities;

(2) receive all items of cash and investments belonging to the trust;

(3) collect the principal and income from investments owned or acquired by the trust and deposit the amounts in separate principal and income accounts for the trust;

(4) invest and reinvest the assets of the trust as provided in this section and as provided for the investment of funds under AS 14.25.180(c) and AS 37.14.170;

(5) exercise the powers of an owner with respect to the assets of the trust;

(6) maintain accounting records of the trust in accordance with investment accounting principles and with distinction between the principal and income accounts of the trust;

(7) engage an independent firm of certified public accountants to annually audit the financial condition of the trust's investments and investment transactions;

(8) enter into and enforce contracts or agreements considered necessary for the investment purposes of the trust;

(9) report to the board the condition and investment performance of the trust;

(10) do all acts, whether or not expressly authorized, that the commissioner of revenue considers necessary or proper in administering the assets of the trust.

Sec. 37.14.220. Administration of the trust. The trust shall be administered by the Alaska Children's Trust Board.

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

- (1) the governor or a designee of the governor;
 - (2) the commissioner of health and social services or the commissioner's designee;
 - (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; or
 - (B) private sector finance.

Sec. 37.14.230. Powers and duties of the board. 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 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;
- (4) 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 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;

(7) keep audio tape recordings of each meeting of the board to be made available on request;
and

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

(A) the child abuse and neglect prevention services that were provided by the programs and projects to which the board awarded grants; and

(B) the annual level of contributions, income, and expenses of the trust.

Sec. 37.14.240. Fund utilization.

(a) Except as provided in (d) of this section, the principal of the trust and any capital gains or losses realized on the principal shall be retained perpetually in the trust for investment as specified in AS 37.14.210, and may not be used for the awarding of grants.

(b) The net income of the trust may be appropriated only for the following purposes:

(1) the awarding of grants;

(2) obtaining private and federal grants for the trust;

(3) soliciting contributions, gifts, and bequests for the trust; and

(4) reimbursement to the Department of Revenue for the costs of establishing the trust.

(c) Realized net income that has not been appropriated, or that has been appropriated but not expended, shall be invested until appropriated and expended.

(d) Up to \$150,000 per year may be appropriated from the principal of the trust for the administrative expenses of the board relating to AS 37.14.200 - 37.14.270.

Sec. ~~37.14.250~~ 37.14.250. Grants.

(a) In awarding grants from the net income of the trust, the board shall consider the proposals of a qualified applicant only after the applicant has submitted a detailed proposal in the form prescribed by the board. The board may not award a grant unless the board makes written findings that

(1) the proposed project, if successful, will help prevent child abuse or neglect;

(2) the application for financial assistance contains an adequate plan for project implementation, including both financial feasibility and project effectiveness;

(3) the applicant demonstrates that sufficient technical expertise is available to accomplish the objectives of the proposed program or project; and

(4) the applicant has identified costs associated with and ancillary to the project, additional governmental costs, future obligations generated by the program or project, and necessary operating, maintenance, or other support costs for the life of the program or project.

(b) The board may establish other requirements for the award of grants under this section if necessary to carry out the purpose of the trust.

(c) The board shall award grants in amounts that

(1) are appropriate to the conditions of the applicant and the proposed program or project; and

(2) will make the most effective use of the money available.

(d) The amount of all grants awarded by the board during a 12-month period to a single project or program may not exceed \$50,000. The board may not finance more than 75 percent of the cost of a program or project during each of the first two years for which the program or project receives a grant, 50 percent during each of the third and fourth years, and 25 percent during each year thereafter.

(e) A recipient of a grant may not use more than 10 percent of the grant for administration of the program or project.

(f) To the extent consistent with the terms or conditions of the grant, a private or federal grant awarded to the board shall be distributed in the same manner as provided for grants under this section and AS 37.14.260.

Sec. 37.14.260. Eligibility for grants. The board may award a grant to an applicant if

(1) the applicant has submitted a proposal that is acceptable to the board; and

(2) programs and projects, if any, of the applicant that have previously received a grant from the board have complied with all requirements of that assistance and have performed with sufficient success or promise to warrant further financial assistance.

Sec. 37.14.270. Definitions. In AS 37.14.200 - 37.14.270

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

(2) "child abuse and neglect" has the meaning given "child abuse or neglect" in AS 47.17.290;

(3) "prevention of child abuse and neglect" includes primary and secondary prevention programs; in this paragraph

(A) "primary prevention program" means an educational or training program intended to raise the awareness of and change attitudes concerning child abuse and neglect and its prevention;

(B) "secondary prevention program" means a service intended to reach high-risk groups and to prevent the occurrence or recurrence of child abuse and neglect;

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

SENATE BILL NO. 383

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION**

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Introduced: 3/31/04

Referred: Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Alaska children's trust grant awards."**

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

3 *** Section 1.** AS 37.14.250(a) is amended to read:

4 (a) In awarding grants from the net income of the trust, the board shall
5 consider the proposals of a qualified applicant only after the applicant has submitted a
6 detailed proposal in the form prescribed by the board. The board may not award a
7 grant unless the board makes written findings that

8 (1) the proposed project, if successful, will help prevent child abuse or
9 neglect;

10 (2) the application for financial assistance contains an adequate plan
11 for project implementation, including both financial feasibility and project
12 effectiveness;

13 (3) the applicant demonstrates that sufficient technical expertise is
14 available to accomplish the objectives of the proposed program or project; [AND]

15 (4) the applicant has identified costs associated with and ancillary to

1 the project, additional governmental costs, future obligations generated by the
2 program or project, and necessary operating, maintenance, or other support costs for
3 the life of the program or project; and

4 (5) the applicant has included in the program or project proposal a
5 plan for sustainability and self-sufficiency after the grant period.

6 * Sec. 2. AS 37.14.250(d) is repealed and reenacted to read:

7 (d) The board may not award grants to a single project or program for more
8 than four years. The grant amount awarded by the board under this section may not
9 exceed the following amounts for the years specified:

10 (1) for the first year for which the program or project receives a grant,
11 75 percent of the first-year costs of the program or project;

12 (2) for the second year of the project or program, 50 percent of the
13 project's or program's first-year costs; and

14 (3) for the third and fourth years of the project or program, 25 percent
15 of the project's or program's first-year costs.

16 * Sec. 3. AS 37.14.250 is amended by adding a new subsection to read:

17 (g) The board may reduce or discontinue a grant awarded or distributed under
18 this section at any time during the grant period if the project is not being successful in
19 accomplishing its objectives, as determined by the board.

24-LS0798V
Mischel
3/31/05

CS FOR SENATE BILL NO. 150()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION**

BY

**Offered:
Referred:**

Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Alaska children's trust grant awards."**

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

3 *** Section 1.** AS 37.14.250(a) is amended to read:

4 (a) In awarding grants from the net income of the trust, the board shall
5 consider the proposals of a qualified applicant only after the applicant has submitted a
6 detailed proposal in the form prescribed by the board. The board may not award a
7 grant unless the board makes written findings that

8 (1) the proposed project, if successful, will help prevent child abuse or
9 neglect;

10 (2) the application for financial assistance contains an adequate plan
11 for project implementation, including both financial feasibility and project
12 effectiveness;

13 (3) the applicant demonstrates that sufficient technical expertise is
14 available to accomplish the objectives of the proposed program or project; [AND]

15 (4) the applicant has identified costs associated with and ancillary to

1 the project, additional governmental costs, future obligations generated by the
2 program or project, and necessary operating, maintenance, or other support costs for
3 the life of the program or project; and

4 (5) the applicant has included in the program or project proposal a
5 plan for sustainability and self-sufficiency after the grant period.

6 * Sec. 2. AS 37.14.250(d) is repealed and reenacted to read:

7 (d) The board may not award grants to a single project or program for more
8 than four years. The grant amount awarded by the board under this section may not
9 exceed the following amounts for the years specified:

10 (1) for the first year for which the program or project receives a grant,
11 75 percent of the first-year costs of the program or project;

12 (2) for the second year of the project or program, 50 percent of the
13 project's or program's first-year costs; and

14 (3) for the third and fourth years of the project or program, 25 percent
15 of the project's or program's first-year costs.

16 * Sec. 3. AS 37.14.250 is amended by adding a new subsection to read:

17 (g) The board may reduce or discontinue a grant awarded or distributed under
18 this section at any time during the grant period if the project is not being successful in
19 accomplishing its objectives, as determined by the board.



Ensuring a
Bright Future
for all of
Alaska's Children

Alaska's children deserve to grow up in a safe and nurturing environment. The mission of the Alaska Children's Trust is to improve the status of children in Alaska by generating funds and committing resources to eliminate child abuse and neglect.





Never manipulate children by making them too happy.
Remember the time when in which all good things are done.

Alaska Children's Trust

Trustees



Joel Gilbertson, Commissioner
Dept. of Health and Social Services



Roger Sampson, Commissioner
Dept. of Education & Early Development



Karen Rehfeld, Deputy Commissioner
Dept. of Education & Early Child Development



Ramy Brooks



Margo McCabe, Chair



Andrea Gelvin



Kaye Saxon



Diane Kaplan

Friends of ACT



Tilisa Northcutt, FACT Chair

State of Alaska




Marcia Kennai, Deputy Commissioner
Office of Children Services
Dept. of Health and Social Services





*We worry about what a child will become tomorrow, yet we forget
that he is someone today.*

Stacia Tauscher

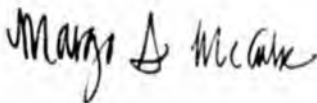


Financially, it has been an exciting year for the Alaska Children's Trust (ACT). Assets held by the Trust now exceed \$10 million. In Fiscal Year 2005, the ACT awarded a total of approximately \$217,314 to 16 grantees in 12 communities around the state. For the first time in history, the ACT also received a \$600,000 federal appropriation to develop and implement a social marketing campaign aimed at preventing child abuse in Alaska. A special recognition goes to Senator Ted Stevens and Lisa Sutherland for this grant.

Though the rate of child abuse remains higher in Alaska than anywhere else in the country, the ACT is deeply grateful for an improving financial position to help address this problem. Over the next five years, the ACT will remain focused on its strategic priorities including:

- Implementing a social marketing campaign aimed at preventing child abuse in Alaska;
- Continuing to fund community-based child abuse prevention programs that deliver measurable results;
- Working with the Friends of the Alaska Children's Trust to develop a long-term funding strategy for the ACT;
- Further developing the organizational structure of the Board and related committees/entities to carry out the mission of the ACT.

The Board is committed to building on the hard work of Carol Brice (outgoing chair), the entire past Board and all of its supporters. We welcome two new board members, Andrea Gelvin, an educator from Fairbanks, and Diane Kaplan, president of the Rasmuson Foundation to help us accomplish our mission of preventing child abuse in Alaska. We remain dedicated to our work and to making a difference in the lives of our children.



Margo S. McCabe
Chair



Carol Brice






*There are no seven wonders of the world in the eyes of a child.
There are seven million.*

Walt Steinhilff

Message from the FACT Chair



The Friends of the Alaska Children's Trust (FACT) is comprised of a dedicated Board of Directors that has overseen the fund raising for the Alaska Children's Trust since its inception. In 2004, it raised more than \$100,000 for the Children's Trust through special events. In all, it has raised more than \$1 million to help eliminate child abuse and neglect.

2004 "Mush for Kids" underwritten by Flint Hills Resources Alaska, LLC.

In April of 2004, the Fairbanks community raised nearly \$25,000 at the annual "Mush for Kids." Alaska's popular Iditarod sled dog racer, Ramy Brooks from Healy who serves as a Trustee for the Alaska Children's Trust, signed autographs and had pictures taken with the families alongside his mother, famous sprint musher Roxy Wright. Ramy was joined by Carol Brice, founding member and former chair of the Alaska Children's Trust and long-time community leader who was honored for her many years of service.

Volunteer mushers gave more than 800 children free dog sled rides on a track constructed by volunteers from Brice Inc. and Great Northwest. Inside Pike's Waterfront Lodge, crowds were entertained by Celtic Confusion, Louisiaska, the Johnson-O'Malley Dancers, Randy Smith Middle School Jazz Band and Slightly Askew. Many of Fairbanks' non-profit agencies that provide services to children conducted fun family activities and handed out information about their programs. Outside, three-time Iditarod champion Jeff King signed autographs and talked to children and their parents about mushing. The Fairbanks Police Department, Alaska State Troopers and local fire departments gave children tours of their vehicles. The day also featured ice carving and weight-pull demonstrations, the Musher's Olympics, a hockey shoot and puppy petting pens.

Once again we thank Jeri Wigdahl from Flint Hills Resources Alaska, who joined a cadre of volunteers and organizers to make this a fun and successful day for all. And a special thanks goes to our event coordinator, Lin Gale.

Seventh Annual Golf Classic sponsored by Alyeska Pipeline Service Company.

In August, nearly 100 supporters came out on a chilly Saturday morning to golf for kids. This year, FACT raised \$80,000 for the Alaska Children's Trust. The ongoing success of this tournament is due in large part to the support that we receive from Alyeska Pipeline Service Company and its many employees. I would like to thank Alyeska's president David Whyte, Janie Leask, director of Public Affairs, and all of the sponsors and volunteers that help to make this event such a success.

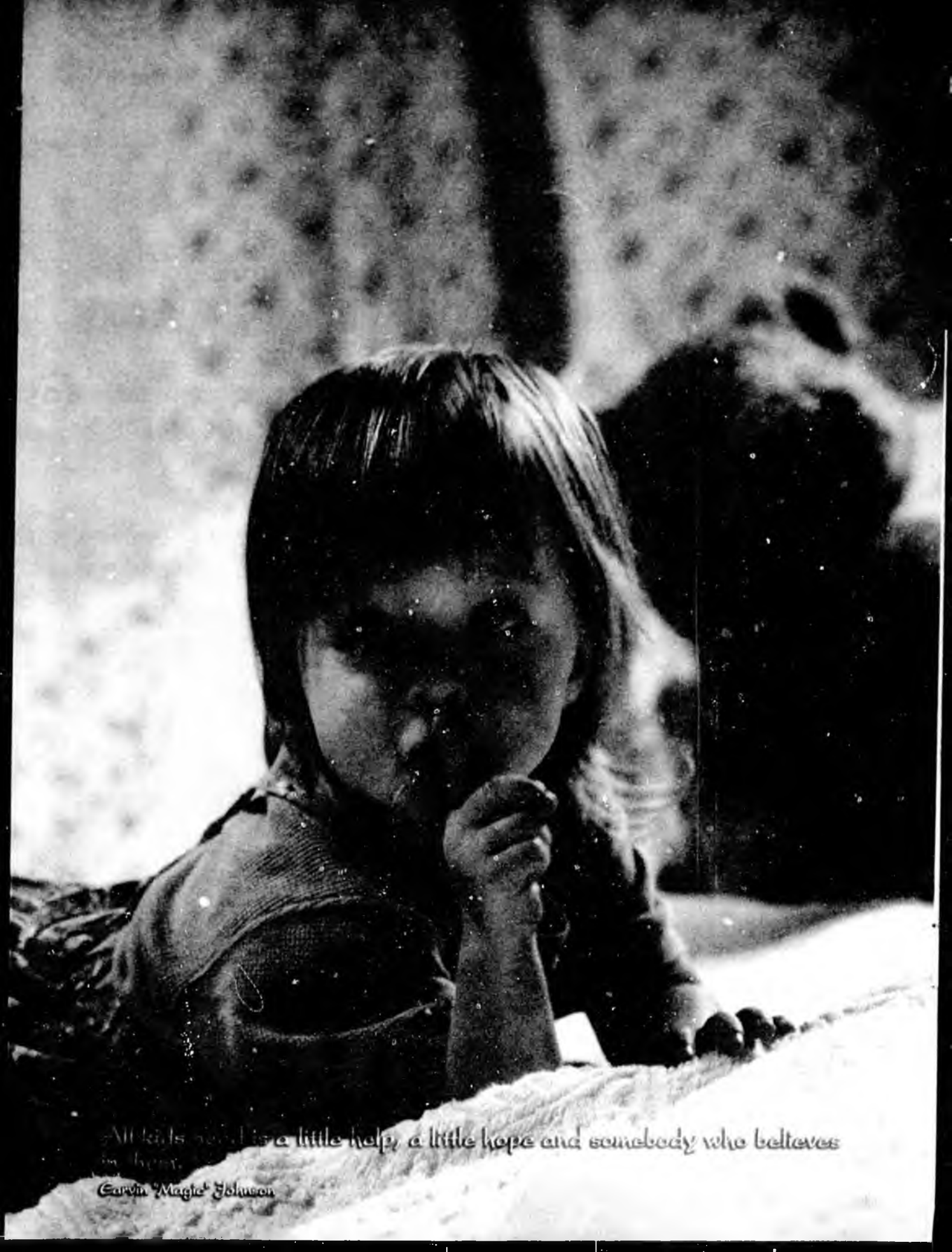
As we look to the new year, FACT will be joining the Alaska Children's Trust to roll out a major campaign to eliminate child abuse and neglect in Alaska. Please join us as we continue our efforts on behalf of Alaska's children.



Tlisa A. Northcutt

Chair





All kids need is a little help, a little hope and somebody who believes
in them.

Garvin Magic Johnson

Alaska Children's Trust Overview

The Alaska Children's Trust was established in 1988 with the goal of preventing child abuse and neglect throughout the state. The first legislative appropriation was made in 1996 for \$6.8 million. Today, the Alaska Children's Trust boasts a total of \$10.3 million dollars.

Seven Trustees, appointed by the Governor, oversee the fiduciary and grant making functions of the Alaska Children's Trust.

The Alaska Children's Trust operates as a savings account. The Fund's principal continues to grow through grants and donations, while the interest from the earnings fund small grants of \$30,000 or less to small nonprofits providing prevention programs for child abuse and neglect.

In 2004, the Trustees awarded a total of \$217,314 to 16 nonprofits in 12 communities across the state. In all, more than \$2 million has been granted to prevention programs and projects.

In 1997, a nonprofit arm of the Trust was formed - the Friends of the Alaska Children's Trust (FACT). The FACT fundraises solely for the Alaska Children's Trust, and annually contributes proceeds in excess of \$100,000.

To make a gift, please make check payable to:

The Friends of the Alaska Children's Trust (FACT)

P.O. Box 240249

Anchorage, AK 99524-0249

www.friendsofact.org

(907-248-7676)

FACT Tax ID #91-1765129





Good parents give their children roots and wings. Root where home is, wings to fly away and exercise what's best.

Jonas Salk

Financial Statements

(Amounts rounded to nearest thousand)

Statement of Invested Assets

June 30, 2004

Cash and Equivalents	\$	266,000
Marketable Debt Securities		5,593,000
Equity Securities		4,424,000
Interest and Dividends Receivable		18,000
Total Investments	\$	10,301,000

Statement of Investment Income and Changes in Invested Assets

June 30, 2004

Investment Income	\$	812,000
Total Invested Assets, Beginning of Year		9,595,000
Net Contributions (Withdrawals)		(106,000)
Total Invested Assets, End of Year	\$	10,301,000

NOTE: The June 30, 2004, audited financial statements are available from the Department of Revenue, Treasury Division, by calling Betty Martin, Comptroller, at (907) 465-2350.

Grantees

Alaska Legal Services Corporation

Anchorage \$18,000

Through its Children At Risk program, Alaska Legal Services helps empower parents and children to use the legal system to increase family safety, stability and self-sufficiency.

Bartlett Regional Hospital

Juneau \$6,688

The Fathers Project provides support for new fathers and encourages their involvement in child care.





Center for Community

Sitka \$20,000

Teach Your Children Well is a parent support project featuring a radio program promoting parent and child health. The project also provides prenatal and parenting classes.

Covenant House Alaska

Anchorage \$7,000

Project Nurture offers support services for young new mothers between the ages of 16 and 20.

Fairbanks Counseling & Adoption

Fairbanks \$3,333

Responsible Fathers is a program aimed at helping teen fathers increase their involvement with—and responsibility for—their children. Services include parenting education, supervised playtime and teen parent mediation.

Homer Children's Services, Inc.

Homer \$4,902

The Birth 2 Three Project is a prenatal and early childhood family education and support program.

Hoonah City Schools

Hoonah \$19,810

Parents as Teachers provides primary prevention services including parenting education and support, home visits and assistance to all families seeking Denali KidCare health benefits.

Juneau Family Birth Center

Juneau \$7,110

The Young Families Program supports teen families through the pregnancy and parenting experience with a combination of pregnancy and parenting education, labor and birth support, home-based support and referral services.

Resource Center for Parents & Children (RCPC)

Fairbanks \$20,000

RCPC is the coordinator for parent education, information and support in the northern region of Alaska. Program grants include the RCPC Community Outreach Video Project, a series of parenting videos focusing on promoting culturally respectful and appropriate parenting skills in rural villages and small communities.

REACH, Inc.

Juneau \$18,650

The Family Support Project provides behavioral and infant mental health training and consultation to community outreach programs throughout Juneau.

Safe & Fear-Free Environment, Inc. (S.A.F.E.)

Dillingham \$7,483

SAFE for LIFE provides children and their families with the tools and information they need to prevent domestic violence and child abuse.

Saxman/Gateway Center

Ketchikan/Saxman \$15,000

The Youth Breakfast and Homework Club offers kids a nutritious morning snack at the center before they go to school. Students participate in a variety of activities and discussions that teach them skills to handle conflicts and build confidence. In addition, they receive after school assistance with school projects and homework.

SeaView Community Services

Seward \$18,381

SeaView's Incest Awareness Campaign employs education and prevention programs, and early intervention strategies to raise awareness about sexual abuse in families.

Sutton Elementary School

Sutton \$10,957

The Eagle's Nest Transitional Preschool, which shares its learning environment with the kindergarten class at Sutton Elementary School, is a unique family resource center that focuses on abuse prevention by promoting early intervention and parental involvement.

Talkeetna Elementary School

Talkeetna \$20,000

The Early Childhood Initiative is a program designed to target at risk children and their families, offering support through home visits and parenting classes.

Tundra Women's Coalition (TWC)

Bethel \$20,000

The TWC Children's Program provides after-school group activities for at-risk K-6 children, in addition to a support group for teen girls, parenting sessions with shelter residents, and the Talking About Touching child sexual abuse prevention curriculum.

Total Amount Awarded = \$217,314



CS SB 150 ()

The CS:

- Is the same language as last year's bill (SB 383) requested by the Alaska Children's Trust Board.
- Allows the Board to reduce grants and enforce its requirements if the programs don't meet their objectives (Sec. 3).
- Sets a 4-year limit on grant awards.
- Adjusts the funding formula and now bases it on first year costs.

<u>Grant year</u>	<u>Previous funding amount</u>	<u>New funding amount</u>
1	up to 75% of costs	up to 75% of 1 st year costs
2	up to 75% of costs	up to 50% of 1 st year costs
3	up to 50% of costs	up to 25% of 1 st year costs
4	up to 50% of costs	up to 25% of 1 st year costs
5+	up to 25% of costs	N/A

- Requires applicants to include a self-sustainability plan in their proposals (Sec. 1).

24-LS0798\F
Mischel
3/31/05

CS FOR SENATE BILL NO. 150()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION**

BY

**Offered:
Referred:**

Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Alaska children's trust grant awards."**

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

3 *** Section 1.** AS 37.14.250(a) is amended to read:

4 (a) In awarding grants from the net income of the trust, the board shall
5 consider the proposals of a qualified applicant only after the applicant has submitted a
6 detailed proposal in the form prescribed by the board. The board may not award a
7 grant unless the board makes written findings that

8 (1) the proposed project, if successful, will help prevent child abuse or
9 neglect;

10 (2) the application for financial assistance contains an adequate plan
11 for project implementation, including both financial feasibility and project
12 effectiveness;

13 (3) the applicant demonstrates that sufficient technical expertise is
14 available to accomplish the objectives of the proposed program or project; [AND]

15 (4) the applicant has identified costs associated with and ancillary to

1 the project, additional governmental costs, future obligations generated by the
2 program or project, and necessary operating, maintenance, or other support costs for
3 the life of the program or project; and

4 (5) the applicant has included in the program or project proposal a
5 plan for sustainability and self-sufficiency after the grant period.

6 * Sec. 2. AS 37.14.250(d) is repealed and reenacted to read:

7 (d) The board may not award grants to a single project or program for more
8 than four years. The grant amount awarded by the board under this section may not
9 exceed the following amounts for the years specified:

10 (1) for the first year for which the program or project receives a grant,
11 75 percent of the first-year costs of the program or project;

12 (2) for the second year of the project or program, 50 percent of the
13 project's or program's first-year costs; and

14 (3) for the third and fourth years of the project or program, 25 percent
15 of the project's or program's first-year costs.

16 * Sec. 3. AS 37.14.250 is amended by adding a new subsection to read:

17 (g) The board may reduce or discontinue a grant awarded or distributed under
18 this section at any time during the grant period if the project is not being successful in
19 accomplishing its objectives, as determined by the board.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB150-DHSS-OCS-04-06-05
 () Publish Date: _____

Revision Date/Time (Note if correction): 04/06/2005
Corrected

Dept. Affected: Health & Social Services

Title: REPEALING LIMITS ON GRANTS AWARDED BY THE ALASKA CHILDREN'S TRUST FUND

RDU: Children's Services

Component: Children's Trust Programs

Sponsor: SENATE (HES)

Requester: SENATE (HES)

Component No.: 2251

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES (0)						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The intent of Senate Bill 150 is to allow the Alaska Children's Trust (ACT) more flexibility in grant awards to benefit abused and neglected children. Its goal is to eliminate the cap or limit of dollars that can be awarded to any one grantee through the grant process. The bill also eliminates the current funding formula which is designed to allocate percentages of the cost of the program to be dispersed out over time.

Prepared by: Sherry Hill, Special Assistant to the Commissioner
 Division: Office of the Commissioner
 Approved by: Joel S. Gilbertson, Commissioner
 Agency: Department of Health and Social Services

Phone: 465-1618
 Date/Time: 04/06/2005
 Date: 04/05/2005

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 3/21/05

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 4.18.05

Health, Education and Social Services Committee considered

SENATE BILL NO. 150

SB 150 ALASKA CHILDREN'S TRUST FUND GRANTS

"An Act repealing the limits on grants awarded from the Alaska children's trust fund."

and recommends:

- be replaced with _____ CS SB 150 (HES)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:

- Same Title
 New Title

SCS House Bill:

- Same Title
 Technical Title Change
 New Title w/
SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
HSS				X	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Cosmo Veech</i>	✓			
<i>Alvin...</i>			✓	
<i>Anna...</i>			✓	
<i>Chair: Lynn Green...</i>				

SB

156

Alaska State Legislature
PRESIDENT OF THE SENATE

Interim
716 WEST 4TH AVENUE
ANCHORAGE, AK
99501-2133
(907) 269-0200
FAX (907) 269-0204


Session
STATE CAPITOL
JUNEAU, AK
99801-1182
(907) 465-4993
FAX (907) 465-3872

SENATOR BEN STEVENS

Memorandum

Date: April 8, 2005

To: Senator Fred Dyson, Chair
Senate Health, Education & Social Services Committee

From: Senator Ben Stevens 

Re: Senate Bill 156 - Layoff/Non-retention of Teachers

Senate Bill 156 seeks to provide stability for school districts and teachers by removing the March 16 deadline for notification of non-retention for tenured teachers and aligning notification with non-tenured teachers by the end of the school term.

Attached is the bill as introduced, sponsor statement and current statute (AS 14.20.140).

I respectfully request a hearing for SB 156 in the Senate Health, Education and Social Services Committee at your earliest convenience. If I may provide further information or answer any questions, please feel free to contact my aide, Phelan Straube, or me at x4993.

Senator Ben Stevens
Senate President



Sponsor Statement

Senate Bill 156 – An Act relating to notification to teachers of layoff or non-retention

Current Alaska law requires school districts to notify tenured teachers of non-retention for the following school year by March 16 and non-tenured teachers on or before the last day of the school term.

SB 156 would amend AS 14.20.140 to align non-retention notification for tenured teachers with non-tenured teachers.

The majority of school districts do not know the total funds available to retain teachers on March 16. By providing a deadline of the end of the school term, districts will know the funds available and avoid the instability created by current statute.

This change will provide more stability for school districts and teachers alike.

Your support is greatly appreciated.

Senator Ben Stevens
State Capitol
Juneau, Alaska 99801
907-465-4993
Fax: 907-465-3872

Senator Ben Stevens
Senate President



Sec. 14.20.140 Notification of lay off or nonretention.

(a) If a teacher who has acquired tenure rights is to be laid off under AS 14.20.177 or is not to be retained for the following school year, the employer shall notify the teacher of the layoff or nonretention by writing, delivered before March 16, or by registered mail postmarked before March 16.

(b) If a teacher who has not acquired tenure rights is to be laid off under AS 14.20.177 or is not to be retained for the following school year the employer shall notify the teacher of the layoff or nonretention by writing delivered on or before the last day of the school term or by registered mail postmarked on or before the last day of the school term.

(c) Notwithstanding a teacher's right to continued employment under AS 39.20.500 - 39.20.550, a school district may notify a teacher of layoff or nonretention under this section for the following school year for a permissible reason.

Senator Ben Stevens
State Capitol
Juneau, Alaska 99801
907-465-4993
Fax: 907-465-3872

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 156
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: EED
 Title An Act relating to notification to RDU Teaching & Learning Support
teachers of layoff or nonretention Component Student & School Achievement
 Sponsor Sen. Ben Stevens
 Requester _____ Component No. 2796

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The department has identified no costs related to this bill.

Prepared by: Barbara Thompson, Director Phone 465-8727
 Division Teaching & Learning Support Date/Time 4/18/05 8:29 AM
 Approved by: _____ Date 04/18/2005
 Agency _____

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 3/29/05

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 4.18.05

Health, Education and Social Services Committee considered SENATE BILL NO. 156

SB 156 LAYOFF/NONRETENTION OF TEACHERS

"An Act relating to notification to teachers of layoff or nonretention."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
SCS House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
EED	4/18			X	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Gary Belcher</i>	✓			
<i>Frank SLS</i>			✓	
<i>Lyle Green</i>	✓			
CHAIR: <i>Paul Ryan</i>	✓			

SB

162



SENATOR FRED DYSON

SPONSOR STATEMENT
SB 162 "An Act relating to Student Health"

Alaska children came in **dead last** in a recent study that ranks children's fitness in the fifty states. It is outrageous that this could happen in a state that must be the very best possible place in the world to grow up. One feels a little bit better when you read closely and see that the comparison was of PE mandates, PE teacher qualifications, and quality of playground equipment and not a comparison of children, but, the point remains that we need to create incentives for behavior that results in good health.

SB 162 requires school communities to set their own student health standards and report related information. Each school will be required to report the percentage of their students who are "overweight" and are "at risk of being overweight"¹, and profits from school vending machines. The bill also requires reporting of names and titles of people in the school community responsible for setting school disciplinary, safety, and health standards.

SB 162 can be defined as something that is most hated and feared by virtually every professional education organization in Alaska, an unfunded mandate. That is why the heart of the bill is based in the section of law related to *school community* health and safety standards. AS 14.33.110 – 14.33.140 describe guidelines for standards that a *school community* (including community members not employed at the school) must set. The mandate is to do things that probably are already done, but if not, clearly should be: Establish local standards for their own student's disciplinary, safety, and now health behavior. Keep in mind that this section of law has a significant "cheaters" valve. If parents and community members don't care enough to be involved in setting their own school standards, the overlying school district governance can report generically for all the schools in the district.

SB 162 is a conditional mandate. Schools do not have to report their vending machine profits nor the percentage of children who are overweight or at risk of being overweight unless the Alaska Legislature provides a report of Capitol building vending machine profits and a report of the percentage of legislators who are overweight or obese (by CDC standards).

Updated 3/17/05

¹ "overweight" and are "at risk of being overweight" as defined by the US Department of Health and Human Services, Centers for Disease Control and Prevention (CDC)

SB 162 School Health Reporting

Section 1: Adds a district school health reporting requirement to include:

- A school's student health status.
- Percentage of students who are overweight, and at risk of overweight **IF** the legislature provides the calculation of how many body members are over 25 and over 30.
- Annual vending machine profits for each school **IF** the legislature provides the Capitol vending machine profits.
- Names and titles of community members and school personnel credited with verifying school values and standards.
- If community members were not responsible for setting standards, a description of the efforts made to encourage community participation.

Section 2: Makes it the duty of EED to require the reporting of information relating to school health status with the already mandated report of information relating to school safety and discipline.

Section 3: Adds "weight" and "height" to other student screening requirements.

Section 4: Adds "weight" and "height" to the Health and Social Services Department responsibilities related to student screening requirements.

Section 5: Requires consideration of school health data as criteria for EED evaluation of Health Education Programs.

Section 6: Expands the purpose of the school student behavior and safety program to include monitoring of student health status and policy.

Section 7: Includes criteria communities are to apply when developing their school health programs.

Section 8: A new subsection that defines:

- Body Mass Index (BMI) (defined by the National Center for Chronic Disease Prevention and health promotion (CDC))
- Overweight
- Risk of Overweight

Section 9: Adds the word "Health" to a reference to the "Disciplinary and Safety program". This section of law has the intent of reducing liability for school personnel who are enforcing the school disciplinary standards that have been established by the school community.



Alaska State Legislature Senate Majority News

Jeff Turner, Senate Majority Press Secretary
Room 413, State Capitol Building
Juneau, AK 99801
Phone: 907.465.3803

Web Site: <http://www.akrepublicans.org>

FOR IMMEDIATE RELEASE: April 6, 2005 CONTACT: Jeff Turner, Press Secretary: 907.465.3803

Sen. Dyson Files Legislation to Increase Physical Fitness of Alaska's Children

SB --- Asks Lawmakers to "Weigh in" on the Issue

(Juneau) – Today Sen. Fred Dyson (R – Eagle River) introduced the School Nutrition and Exercise Bill (SB ---). This legislation seeks to increase the physical fitness level of Alaska's school age children by requiring schools to include health in its disciplinary and safety programs and to report the percentage of students overweight and at risk of becoming overweight according to Centers for Disease Control standards. Schools are also required to report the amount of profits from vending machines located on school property.

"Alaska's children rank dead in physical fitness in the fifty states. That means we have an entire generation of kids facing a host of obesity related diseases like diabetes and other chronic diseases. It's time to make good health and nutrition a part of educating our children," said Sen. Dyson.

But it comes with a big catch! The legislation is a *conditional* mandate. Schools only have to meet the reporting requirements if the Alaska Legislature also reports the percentage of obese or nearly obese lawmakers and the profits generated by vending machines in the state Capitol Building.

Sen. Dyson says the bill is intended to have some fun with his colleagues and to raise a serious issue at the same time. "Obviously, my legislation is intended to have a little fun with this issue. However, the poor physical condition of thousands of children is no laughing matter. My intention is to bring attention to the problem and spur school officials and community groups to take charge of their children's health and welfare."

For more information on the School Nutrition and Exercise Bill contact Wes Keller at 907.465.2199.

###



Homepage | Alaska News | Alaska Weather | Alaska Sports | Alaska Videos | Alaska Real Estate | Home Improvement | A
2 Your Health | 2 on Your Side | Assignment Alaska | The Bottom Line | Market View | Spirit of Youth | What's Cookin'?

Study ranks Alaska last in children's fitness

Thursday, March 10, 2005 - by Jeffrey Hope

Search



Anchorage, Alaska - Of all the 50 states, Alaska ranks last for keeping its kids healthy and fit.

That's according to a Child magazine editor interviewed Wednesday morning on NBC's "The Today Show."

"Alaska does not mandate any physical education for elementary school students," said Andrea Barbalich. "It's only required for high schoolers, and the playgrounds are in bad shape in Alaska. When phys ed is offered to kids, it's taught by classroom teachers instead of phys ed specialists."

It's not a completely accurate statement -- there are plenty of good playgrounds in Alaska, and in cities like Anchorage, physical education is taught by PE specialists. But no one is disputing the seriousness of the issue.

Anchorage School District Superintendent Carol Comeau says parents and schools can all do a better job.

"I do think we have too many fast-food restaurants," she said. "And I think that there are too many families, just because of the pace of their schedules, tend to use that more than is healthy, I think. But that's lifestyle choices that families are making for various reasons."



The ASD plans to look into the issue later this month. There's also a statewide effort underway. Two lawmakers are sponsoring a bill that would create a new taskforce to try to find solutions that would not necessarily cost a lot of money.

Rep. Les Gara, D-Anchorage, says it would not create an unfunded mandate.

"I don't think that would be the wise way to go," he said. "That would be too inflexible, so we are asking the taskforce to come up with things that fit within school budgets, that fit within school infrastructure. Some schools don't have enough gym space. So mandating that kids have daily gym where a school doesn't have gym space wouldn't make sense."



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Connecticut, the state that now ranks the best for fit kids, had no plans just a few years ago to combat obesity in children. Now students in kindergarten through fifth grade exercise every day.

Anchorage is also planning its own taskforce to look into ways that families and children can be healthier. It's expected to include pediatricians and officials from City Hall and the school district.

 EMAIL ARTICLE  PRINT ARTICLE

Related articles:



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This Midwestern mecca has long been the only state to require PE classes daily for all students. Unfortunately, it's not quite as good as it sounds: The state has waived the mandate for about one-quarter of its school districts, and a study from Illinois State University in Normal suggests that another 40% of elementary schools skip daily PE without a waiver. Even so, a third of young kids having daily PE is much better than the national average of 8%. "Plus, the state offers some creative programs," says Beth Mahar, past president of the Illinois Association for Health, Physical Education, Recreation & Dance.

Among them: the new Namaste Charter School for kindergartners and first-graders in Chicago; it integrates an hour of PE, which includes yoga and Pilates, and a half hour of recess into each school day.

THE 10 WORST STATES

50. Alaska

The state requires PE only for high school students. When it's offered in elementary schools, about 85% of courses are taught by classroom teachers rather than the preferred certified PE specialists. In a new safety rating, playgrounds in the state's parks scored poorly.

49. Nebraska

PE is required just once per week in elementary school, nutrition isn't taught to young children, and the state doesn't require or recommend recess. Parents aren't setting a good example either: Four in five don't get five servings of produce daily.

48. Nevada

This state doesn't require PE in elementary school. Kids aren't active on their own either, with just 1 in 14 participating in YMCA programs and 1 in 29 playing youth soccer, below the U.S. average.

47. Mississippi

In a government study of 32 states, Mississippi had the highest percentage of heavy high school students; about 15% carry around too many extra pounds, and another 15% are on the verge of being overweight.

46. Kansas

This state does things half right. It encourages school districts to follow PE standards but doesn't balk if they do their own thing, and it recommends allowing recess for elementary school students but doesn't ensure it happens.

45. South Dakota

It's one of two states that don't require PE at any grade level. Legislation that requested school districts review (not even ban) the sale of soft drinks and junk food in the school cafeteria didn't pass the state Senate last year.

44. Alabama

Two-thirds of 35- to 49-year-olds are overweight or obese, the parks are in bad shape, and kids aren't active in youth sports.

43. Idaho

Kids and parents are leaner than average here. The playgrounds located in parks, however, are a mess, with about half the equipment containing splinters and rust.

42. Wyoming

Nutrition is a weak spot in this state. It doesn't require that the subject be taught to elementary school students or have legislation restricting junk food in the school cafeteria.

Officials weigh in on unhealthy snacks, beverages offered at area schools [print] [close] text size: [-] [+]

Article published on Thursday, Mar 10th, 2005

By JEFF BENZAK

Sports Writer

Does it make sense to line the Kodiak High School Commons with seven vending machines that sell sugar-heavy snacks and beverages to teenagers?

That was a question raised Monday night at a school board work session held in the Kodiak Island Borough School District's basement conference room.

It's shaping up to be a sticky issue for parents, administrators, teachers and coaches — who all offered varying views on the subject.

There are currently six beverage vending machines located in the KHS foyer and one in the faculty room. They sell soda, Powerade, water and 10-percent fruit juice.

Combined, the seven machines generate more than \$19,000 annually for an account earmarked to cover expenses for sports teams traveling to state competitions.

The KHS wrestling team also independently owns a snack machine in the foyer, and it sells items including candy bars, granola bars, Twinkies, cereals, chocolate cupcakes, gum and potato chips.

Head coach Pat Costello said his team made a significant investment about eight years ago to purchase two machines, one of which is designed to sell ice cream and is currently not in use.

The team has grown to rely on the income it generates from the sale of snacks.

"We tried to sell granola bars, breakfast cereals, raisins, dried fruits, and they didn't sell," Costello said. "I ended up giving half of them away because they weren't selling. If we lose that vending machine, we'll lose about half our season."

Vending machines that sell soda and junk food to schoolchildren are a growing cause of concern across the United States. On Sunday, for example, California Gov. Arnold Schwarzenegger said he will introduce legislation later this year that would ban soft drinks in public schools (see story, Page 1).

In addition to Kodiak High School, four other educational facilities in the city have student-accessible vending machines: the Learning Center, the middle school, North Star Elementary and East Elementary.

(Peterson, Main and East Elementary schools all have vending machines located in faculty rooms.)

A recent proposal by the KHS Faculty Leadership Committee aims to cut back on the amount of sodas sold within the school's hallways, but others question whether removing sodas and junk food, thereby limiting students' choices, is an appropriate step.

"We talk about educating our kids, teaching good health," said Scott Williams, president of the district's school board. "We want them to make good choices. Removing choices from them is not giving them (that opportunity)."

A mother of a high school student agreed: "If you teach your kids at home the right way, they're going to learn," she said. "Choices are what our kids are going to be facing when they

The revenue generated from the machines has grown increasingly important to sports teams. The activities budget has been cut dramatically in recent years, and money once budgeted for athletics is now redirected away from the gym and into the classroom.

"I hear about our activities program wanting more activities," said board member Norm Wooten, "and if we lose all this money, where's it going to come from? That's the dilemma I'm hearing right now."

Health experts on local, state and national levels worry about the effects selling junk food and sodas in schools has on students. Childhood obesity is at an all-time high, and Costello, who in addition to coaching the wrestling team is also teaches physical education and health, said he's seen waistlines balloon in KHS's hallways.

"In my 15 years here, the obesity of kids at school has skyrocketed," he said.

But Costello attributes the problem more to a lack of exercise than poor eating habits, and he has been a proponent of increasing the amount of mandatory P.E. at all age levels.

"If we don't increase the exercise, if we don't increase the level of P.E., we're not going to solve anything," he said.

Board member Betty Odell said that despite the best intentions of parents and educators, high school students will not be able to resist the temptation of junk food and soft drinks if they're easily available within the walls of KHS.

"We reviewed the health curriculum tonight," she said, referring to a topic discussed prior the vending machine issue. "Those teachers can work real hard at educating the kids, and then they can walk right down the hall and buy a 20-ounce Diet Dr. Pepper."

"With the health issues we face as a nation, we need to start early. We need to start earlier than when you reach your 50s and you have type 2 diabetes."

Odell, a parent of two varsity athletes, also worries about the ever-expanding size of soda bottles.

graduate from high school."

Adding milk to the vending machine lineup was an idea that was raised Monday night, but Dave Jones, KIBSD's finance director, noted that milk sales in the cafeteria have decreased recently.

A member of the KHS Booster Club said she understands how important the money generated from vending machines is to the competitive health of sports teams. But she doesn't think giving students more choices is going to alter their habits.

"These are kids," she said. "They may be young adults, but they're still kids. If we just leave it up to them, I don't think anything's going to change."

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She noted that servings have increased in recent years, and a vendor who was present at the meeting said the 12-ounce can is becoming less of a focus within the soft-drink industry.

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