



LAWS OF ALASKA

1984

Source

HCS CSSB 431(Fin)

Chapter No.

119

AN ACT

Relating to the purchase of residential child care services;
and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO
THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES
DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL
REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY
LINE OF EACH BILL SECTION.

Approved by the Governor: June 20, 1984
Actual Effective Date: AS 47.40.011(b), enacted in section 2
of this Act, and sections 3 - 5 take effect June 21, 1984;
remainder of Act takes effect January 1, 1985

AN ACT

Relating to the purchase of residential child care services; and providing for an effective date.

* Section 1. AS 37.05.230 is amended by adding a new paragraph to read:

(11) the provisions of this section concerning competitive bids do not apply to the purchase of residential child care services under AS 47.40.

* Sec. 2. AS 47.40 is amended by adding new sections to read:

Sec. 47.40.011. PURCHASE OF SERVICES. (a) When the department purchases residential services for minors for whom the state has assumed responsibility under AS 47.10, the department shall

(1) purchase the services only under grants to local governmental units or nonprofit corporations;

(2) award grants for a specified number of beds as provided in AS 47.40.041.

(b) The department shall adopt regulations necessary to carry out the provisions of this chapter, including regulations establishing the procedures to be followed in awarding grants, the types of services for which payment may be made, costs that may be paid with grant money, and the method of payment.

(c) Services of jails and other penal institutions may not be included in services purchased by the state under this chapter.

Sec. 47.40.021. LICENSING AND SUPERVISION. Facilities providing services that are purchased by the department under this chapter,

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1 shall, if required by the department, be licensed and supervised under
2 AS 47.35.

3 Sec. 47.40.031. REQUIRED ACCOUNTING PROCEDURES. Facilities that
4 solicit or receive grants from the department for the cost of services
5 provided under this chapter shall

6 (1) meet accepted standards of fiscal accountability for
7 public money and shall, upon request, submit to the department and to
8 the division of legislative audit a complete financial statement
9 prepared by an independent certified public accountant;

10 (2) keep records of the expenditures for the services
11 provided, using cost-accounting procedures in accordance with depart-
12 ment regulations;

13 (3) upon request, furnish the department and the division
14 of legislative audit all fiscal information, books, records, and
15 accounts pertaining to services paid for under this chapter.

16 Sec. 47.40.041. GRANTS. (a) The department shall award grant
17 in accordance with its regulations. The department may award grant
18 for periods not to exceed three years. The department may adjust
19 grant amounts annually, using a cost-of-living allowance formul
20 adopted in its regulations. Grant awards are subject to legislativ
21 appropriation. If insufficient money is appropriated to fund al
22 grants awarded, the department shall prorate grant amounts, reduce th
23 number of beds contracted for, or otherwise adjust grants to th
24 extent of the appropriated funds.

25 (b) Notices published by the department concerning the openin
26 of the application process for a grant award shall specify the geo
27 graphical area in which services are needed, the type of services, th
28 number of beds anticipated to be needed, the maximum number of days o
29 care, and any other requirements established by the department

Grants authorized under this section are exempt from the competitive bid requirements of AS 37.05.230.

(c) Grants may not include payment for

(1) costs, including salaries and fees, incurred in raising funds or lobbying;

(2) original and replacement costs of facilities, major equipment, and other capital assets, including those capital assets obtained by purchase, construction, or lease with option to purchase, other than costs for depreciation or use allowance, as specified in regulations;

(3) costs of academic education that duplicate the public education system, except as provided for in regulations;

(4) costs of religious training; and

(5) costs that are funded by other government sources.

Sec. 47.40.200. DEFINITIONS. In this chapter

(1) "bed" means space in a facility that may be occupied by a minor for 365 days a year;

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

(3) "nonprofit corporation" means a corporation organized under AS 10.20;

(4) "residential services" means 24-hour care and supervision of minors in residential child care facilities that are commonly known as group homes or institutions.

* Sec. 3. Section 1, ch. 138, SLA 1982 is amended to read:

Section 1. FINDINGS. The legislature finds that the present method for establishing payment rates under AS 47.40 for residential child care services is inadequate. The Department of Health and Social Services shall conduct a study of alternatives to the method of

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1 establishing payment rates under AS 47.40. The study shall be con-
2 ducted by a committee of five members appointed by the commissioner of
3 the Department of Health and Social Services. Three members of the
4 committee shall be employees of the Department of Health and Social
5 Services and two members shall be providers of residential child care
6 services. The study shall contain, among other matters determined by
7 the department, a suggested redefinition of the manner in which rates
8 for residential child care services are calculated, a consideration of
9 the method and amount of reimbursement for capital costs of residen-
10 tial child care facilities, and the availability and use of other
11 sources of money to finance residential child care services and to
12 finance the construction of residential child care facilities. The
13 committee shall report its findings to the legislature on or before
14 the 30th day of the Second Session of the Thirteenth Legislature. The
15 legislature further finds that the rates established under AS 47.4
16 should be suspended from June 30, 1982 to January 1, 1985 [JULY 1
17 1984].

18 * Sec. 4. Section 2, ch. 138, SLA 1982, is amended to read:

19 Sec. 2. The operation of AS 47.05.010(14), AS 47.40.010, 47.40.
20 040, and 47.40.050 is suspended from July 1, 1982 through January 1
21 1985 [JUNE 30, 1984]. During the period of suspension, payment for
22 services provided by residential child care facilities shall be made
23 solely in accordance with the provisions of secs. 3 and 4 of this Act.

24 * Sec. 5. Section 4, ch. 138, SLA 1982, is amended to read:

25 Sec. 4. For fiscal year 1984 the payment rates for residential
26 child care services shall be the amounts set out in sec. 3 of this Act
27 increased by five percent. For fiscal year 1985 the payment rates for
28 child care services shall be the amounts set out in sec. 3 of this Act
29 increased by 10 percent.

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1 * Sec. 6. AS 47.05.010(14) is repealed.

2 * Sec. 7. AS 47.40.010, 47.40.020, 47.40.030, 47.40.040, 47.40.050, and
3 47.40.080 are repealed.

4 * Sec. 8. AS 47.40.011(b), enacted in sec. 2 of this Act, and secs. 3 -
5 5 of this Act take effect immediately in accordance with AS 01.10.070(c).

6 * Sec. 9. AS 47.40.011(a) and (c) and AS 47.40.021 - 47.40.200, enacted
7 in sec. 2 of this Act, and secs. 1, 6 and 7 of this Act take effect
8 January 1, 1985.
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