

Offered: 4/8/86
Referred: Rules

Original sponsor: Boucher

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 426 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the regulation of postsecondary
7 educational institutions."

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

9 * Section 1. AS 14.42.015(a) is amended to read:

10 (a) There is in the Department of Education the Alaska Commis-
11 sion on Postsecondary Education consisting of

12 (1) two members of the Board of Regents of the University
13 of Alaska designated by the members of that body;

14 (2) one person representing private higher education in the
15 state selected jointly by the Boards of Trustees of Alaska Pacific
16 University and Sheldon Jackson College from among their membership;

17 (3) one person representing the Department of Education
18 selected by the state Board of Education;

19 (4) four persons broadly and equitably representative of
20 the general public appointed by the governor;

21 (5) one member of the state Advisory Council on Vocational
22 Education designated by the members of that body;

23 (6) one person from [AMONG] the members of the local com-
24 munity college advisory councils appointed [, INITIALLY,] by the
25 governor [UNTIL THE STATE ADVISORY COUNCIL ON COMMUNITY COLLEGES IS
26 ESTABLISHED AND ORGANIZED UNDER AS 14.42.030(b); THEN, ONE MEMBER OF
27 THE STATE ADVISORY COUNCIL ON COMMUNITY COLLEGES DESIGNATED BY THE
28 MEMBERS OF THAT BODY];

29 (7) two members from the legislature, one of whom shall be

1 appointed by the president of the senate and one by the speaker of the
2 house of representatives [DESIGNATED BY THE LEGISLATIVE COUNCIL AND
3 ONE BY THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE];

4 (8) one person appointed in accordance with (e) of this
5 section who is a full-time student as defined in AS 14.43.160(2);

6 (9) one administrator appointed by the governor from a
7 proprietary institution of postsecondary education that has an author-
8 ization to operate in the state issued under AS 14.48.

9 * Sec. 2. AS 14.48.060(b) is amended by adding a new paragraph to read:

10 (13) the charges set by the institution for tuition, fees,
11 books, and supplies are fair and equitable.

12 * Sec. 3. AS 14.48.100(e) is amended to read:

13 (e) In lieu of the surety bond required in (a) and (b) of this
14 section, the applicant may file with the commission a cash deposit,
15 [OR] other negotiable security, or other property, acceptable to the
16 commission, in the amount specified for the bond [BONDS].

17 * Sec. 4. AS 14.48.120 is amended to read:

18 Sec. 14.48.120. REVOCATION. An authorization to operate or an
19 agent's permit may be revoked or conditioned if the commission has
20 reasonable cause to believe that the holder of the authorization or
21 permit is violating or has violated this chapter or AS 45.50.471 or
22 regulations adopted [PROMULGATED] under this chapter or AS 45.50.491.
23 Except as provided in (b) and (c) of this section, the [THE] Adminis-
24 trative Procedure Act (AS 44.62) governs the procedure for a revoca-
25 tion, review of a revocation, or other action under this section.

26 * Sec. 5. AS 14.48.120 is amended by adding new subsections to read:

27 (b) Authorization for an institution to operate, and a permit
28 for an agent representing that institution, are revoked 30 days after
29 the institution ceases to operate. The commission shall give the

1 institution and the agent 15 days' written notice, by certified mail,
2 sent return receipt requested, to the last addresses of the institu-
3 tion and agent.

4 (c) The institution and the agent may appeal a revocation under
5 (b) of this section by filing an appeal in writing with the commission
6 within 30 days after the revocation.

7 * Sec. 6. AS 45.50.471(b) is amended by adding a new paragraph to read:

8 (26) failing to comply with AS 14.48.060(b)(13).

9 * Sec. 7. AS 45.50.481 is amended to read:

10 Sec. 45.50.481. EXEMPTIONS. Nothing in AS 45.50.471 - 45.50.561
11 applies to

12 (1) an act or transaction regulated under laws administered
13 by the state, by a [ANY] regulatory board or commission except as
14 provided by AS 45.50.471(b)(26), or officer acting under statutory
15 authority of the state or of the United States, unless the law regula-
16 ting the act or transaction does not prohibit the practices declared
17 unlawful in AS 45.50.471;

18 (2) an act done by the publisher, owner, agent, or employee
19 of a newspaper, periodical or radio or television station in the
20 publication or dissemination of an advertisement, when the owner,
21 agent or employee did not have knowledge of the false, misleading or
22 deceptive character of the advertisement or did not have a direct
23 financial interest in the sale or distribution of the advertised
24 product or service;

25 (3) an act or transaction regulated under AS 21.36 or
26 AS 06.05 or a regulation adopted [ANY REGULATIONS PROMULGATED] under
27 the authority of those chapters.

28 * Sec. 8. Notwithstanding AS 14.42.015(a)(6) - (7) as amended by sec. 1
29 of this Act, the existing members of the Alaska Commission on Postsecondary

1 Education on the effective date of this Act who were appointed under
2 AS 14.42.015(a)(6) - (7), as those paragraphs existed before the effective
3 date of this Act, shall continue as members of the commission until the
4 normal expiration of the members' terms.