

Offered: 4/25/86  
Referred: Rules

Original sponsor: Boucher

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

SENATE CS FOR 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 14.48.120 is amended to read:

13 Sec. 14.48.120. REVOCATION. An authorization to operate or an  
14 agent's permit may be revoked or conditioned if the commission has  
15 reasonable cause to believe that the holder of the authorization or  
16 permit is violating or has violated this chapter or AS 45.50.471 or  
17 regulations adopted [PROMULGATED] under this chapter or AS 45.50.491.  
18 Except as provided in (b) of this section, the [THE] Administrative  
19 Procedure Act (AS 44.62) governs the procedure for a revocation,  
20 review of a revocation, or other action under this section.

21 \* Sec. 4. AS 14.48.120 is amended by adding new subsections to read:

22 (b) Authorization for an institution to operate, and a permit  
23 for an agent representing that institution, are revoked 30 days after  
24 the institution ceases to operate. The commission shall give the  
25 institution and the agent 15 days' written notice, by certified mail,  
26 sent return receipt requested, to the last addresses of the institu-  
27 tion and agent.

28 (c) The institution and the agent may appeal a revocation under  
29 (b) of this section by filing an appeal in writing with the commission

1 within 30 days after the revocation.

2 \* Sec. 5. AS 45.50.471(b) is amended by adding a new paragraph to read:

3 (27) failing to comply with AS 14.48.060(b)(13).

4 \* Sec. 6. AS 45.50.481 is amended to read:

5 Sec. 45.50.481. EXEMPTIONS. Nothing in AS 45.50.471 - 45.50.561  
6 applies to

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

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

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

23 \* Sec. 7. Notwithstanding AS 14.42.015(a)(6) - (7) as amended by sec. 1  
24 of this Act, the existing members of the Alaska Commission on Postsecondary  
25 Education on the effective date of this Act who were appointed under  
26 AS 14.42.015(a)(6) - (7), as those paragraphs existed before the effective  
27 date of this Act, shall continue as members of the commission until the  
28 normal expiration of the members' terms.