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# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : HB602  
 Title : Regulation of Postsecondary Institutions  
 Sponsor : Rules  
 Requestor : House HESS  
 Date of Request : March 17, 1986

**FISCAL DETAIL**

Agency Affected : Education  
 BRU : Postsecondary Education  
 Components : General Administration

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	N.A.	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND	N.A.	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME	N.A.	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Kerry D. Romesburg, Executive Director Phone : 465-2854  
 Division : Alaska Commission on Postsecondary Education Date : March 17, 1986

Approved by Commissioner : \_\_\_\_\_ Date : \_\_\_\_\_  
 Agency : \_\_\_\_\_

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

ALASKA COMMISSION ON POSTSECONDARY EDUCATION

Analysis of HB602

1. Section 1 establishes a surety fund into which schools could contribute as an alternative to posting a bond. The amount of contribution would be based upon a percentage of tuition revenues and, over time, would serve the same consumer protection purpose as a bond.

The Alaska Private School Association and the Commission on Postsecondary Education both endorse this concept but oppose establishing the surety fund in the general fund. As originally planned, the fund would be established in a private bank and would be interest bearing. In time it is hoped the interest will accrue to the point of being available for grants to students attending participating schools.

2. Section 2 simply provides for the automatic revocation of an authorization to operate for a school that closes. Currently, a formal hearing must be held with a hearing officer appointed by the Governor. This provision will enable the Commission to avoid unnecessary contractual expenses.

BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 14, 1986

The Honorable Ben Grussendorf  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to postsecondary institutions. The bill has two components.

The first is a provision, added to AS 14.48.100, that authorizes the commission to establish, by regulation, a surety fund as an alternative to imposing bonding requirements on postsecondary institutions. As a result of recent experience involving schools that have stopped operating while still having students enrolled, or have otherwise violated the minimum standards governing their operation, and the difficulty the commission has had in obtaining restitution for aggrieved students under such circumstances, the commission has faced the necessity of implementing bonding requirements for the protection of postsecondary students. However, the costs of obtaining bonds may be prohibitively expensive for some schools. Therefore, authorization for the commission to establish a surety fund as an alternative, is proposed. Bonding requirements for agents under AS 14.48.100(b) are not affected by this bill.

The second component is a provision, added to AS 14.48.120, that automatically revokes, by operation of law, a postsecondary institution's authorization to operate when the institution ceases to operate. This will do away with the time and expense of a formal hearing in circumstances in which the action is usually uncontested anyway. An institution that wishes to challenge the revocation may appeal to the commission.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield  
Governor

AS 14.48.100(e) is amended to read:

AS 14.48.100(e). In lieu of the surety bond required in (a) and (b) of this section, the applicant may file with the commission a cash deposit (OR), other negotiable security, or property, acceptable to the commission, in the amount specified for bonds.

AS 14.48.060(b) is amended by adding a new paragraph (13)

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

P.S.C. - investigate, findings  
if no compliance → Consumer Protection  
Agency.

amend unfair trade Practices Act

New  
Section 1.

New  
Section 2

AS 14.48.100(e) is amended to read:

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(7) promulgate regulations and procedures necessary or appropriate for the conduct of its work and the implementation of this chapter under the Administrative Procedure Act (AS 44.62);

(8) investigate on its own initiative or in response to a complaint lodged with it, persons subject to, or reasonably believed by the commission to be subject to, the jurisdiction of this chapter; and in connection with the investigation subpoena persons, books, records, or documents related to the investigation; require answers in writing under oath to questions propounded by the commission and administer oaths or affirmations to persons in connection with the investigation; and, for the purpose of examination at all reasonable times, shall have access to, and the right to copy, documentary evidence of a corporation that is under investigation or being proceeded against;

(9) exercise other necessary powers and duties in conformity with the provisions of this chapter which, in the judgment of the commission, are necessary to carry out the provisions of this chapter. (§ 1 ch 25 SLA 1976)

**Collateral references.** — Power of legislature to impose noneducational function upon state educational institution or instructors therein. 67 ALR 1032. Admission charges or other receipts from extracurricular activities of schools as subject to taxation. 115 ALR 1411.

**Sec. 14.48.060. Minimum standards.** (a) In establishing the criteria required by AS 14.48.050(1), the commission shall require compliance with the minimum standards set out in (b) of this section.

(b) A postsecondary educational institution must be maintained and operated, or, in the case of a new institution must demonstrate that it can be maintained and operated so that

(1) the quality and content of each course or program of instruction, training, or study are such as may reasonably and adequately achieve the stated objective for which the course or program is offered;

(2) the institution has or has access to adequate space, equipment, instructional materials, and personnel where applicable to achieve the stated objective of the course or program of study and to provide education of good quality;

(3) the education or experience qualifications of directors, administrators, supervisors, and instructors are such as may reasonably insure that the students will receive education consistent with the objectives of the course or program of study;

(4) the institution provides a catalog or brochure containing information describing the programs offered, program objectives, length of program, schedule of tuition, fees, and all other charges and expenses necessary for completion of the course of study, cancellation and refund policies, and other material facts concerning the institution and the program or course of instruction which are reasonably likely to affect the decision of the student to enroll, together with any other

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(5) upon satisfactory completion of training, the student is given appropriate educational credentials by the institution, indicating that the course of instruction or study has been satisfactorily completed by the student;

(6) adequate records are maintained by the institution to show attendance, progress, or grades, and that satisfactory standards are enforced relating to attendance, progress and performance;

(7) the institution is maintained and operated in compliance with all pertinent ordinances and laws relating to the safety and health of persons upon the premises of the institution;

(8) the institution is financially sound and capable of fulfilling its commitments to students;

(9) neither the institution nor its agents engage in advertising, sales, collection, credit, or other practices which are false, deceptive, misleading, or unfair;

(10) the chief executive officer, trustees, directors, owners, administrators, supervisors, staff, and instructors of the institution are of good reputation and character and have not been convicted of a violation of AS 14.48.020 or AS 14.48.150 or AS 45.50.471 — 45.50.551 or a comparable law in another state or province;

(11) the student housing owned, maintained, or approved by the institution is appropriate, safe, and adequate; and

(12) the institution has a fair and equitable cancellation and refund policy.

(c) Accreditation by national or regional accrediting agencies recognized by the commission may be accepted by the commission as evidence of compliance with the minimum standards established by this section and the criteria established under AS 14.48.050(1). However, the commission may require further evidence and make further investigation as may be necessary. Accreditation by a recognized, specialized accrediting agency may be accepted as evidence of compliance only as to the portion or program of an institution accredited by the accrediting agency if the institution as a whole is not accredited. (§ 1 ch 25 SLA 1976)

**Sec. 14.48.070. Authorization to operate.** (a) Each postsecondary educational institution desiring to operate in this state shall apply to the commission, upon forms provided by the commission. The application shall be accompanied by a catalog or brochure published, or proposed to be published by the institution, containing the information specified in AS 14.48.060(b)(4). The application shall also be accompanied by evidence of a surety bond or other deposit as required by AS 14.48.100, and by the required fees.

(b) Following review of the application and after necessary investigation of the applicant the commission shall either grant or deny

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BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 14, 1986

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Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to post-secondary institutions. The bill has two components.

The first is a provision, added to AS 14.48.100, that authorizes the commission to establish, by regulation, a surety fund as an alternative to imposing bonding requirements on postsecondary institutions. As a result of recent experience involving schools that have stopped operating while still having students enrolled, or have otherwise violated the minimum standards governing their operation, and the difficulty the commission has had in obtaining restitution for aggrieved students under such circumstances, the commission has faced the necessity of implementing bonding requirements for the protection of postsecondary students. However, the costs of obtaining bonds may be prohibitively expensive for some schools. Therefore, authorization for the commission to establish a surety fund as an alternative, is proposed. Bonding requirements for agents under AS 14.48.100(b) are not affected by this bill.

The second component is a provision, added to AS 14.48.120, that automatically revokes, by operation of law, a postsecondary institution's authorization to operate when the institution ceases to operate. This will do away with the time and expense of a formal hearing in circumstances in which the action is usually uncontested anyway. An institution that wishes to challenge the revocation may appeal to the commission.

Sincerely,

Bill Sheffield  
Governor

3 426 subcommittee Tuesday  
on Calendar Wed.  
HB 98 on Calendar Monday  
Certified mail, return receipt requested.  
(c) appeal may be made to superior  
court if denied down by Commission according  
to HPA

Unfair trade practice enforced  
by consumer protection

BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE

*HB 726 subcommittee Tuesday  
on calendar Wed.*

The Honorable Ben C  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

*HB 98 on calendar Monday  
certified mail, return receipt requested.  
(c) appeal may be made to superior  
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STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : 377-056-86  
 Title : ...regulation of postsecondary institutions  
 Sponsor : Governor  
 Requestor : Governor  
 Date of Request : 12-31-85

**FISCAL DETAIL**

Agency Affected : Education  
 BRU : \_\_\_\_\_  
 Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
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EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

The bill has no fiscal impact on this department.

Prepared by : Steve Hole  Phone : 465-2800  
 Division : Commissioner's Office Date : 12-31-85

Approved by Commissioner : Harold Raynolds, Jr. Date : 12-31-85  
 Agency : Education

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date : \_\_\_\_\_

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 Bill/Resolution No. : \_\_\_\_\_  
 Title : RE: Regulation of Postsecondary  
Institutions  
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 Sponsor : Rules/Governor  
 Requestor : \_\_\_\_\_  
 Date of Request : December 15, 1985

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 BRU : Postsecondary Education  
Commission  
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 Components : General Administration  
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LAND & STRUCTURES						
GRANTS, CLAIMS						
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TOTAL OPERATING	N.A.	-0-	-0-	-0-	-0-	-0-

CAPITAL	N.A.	-0-	-0-	-0-	-0-	-0-
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REVENUE						
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GENERAL FUND	N.A.	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	N.A.	-0-	-0-	-0-	-0-	-0-

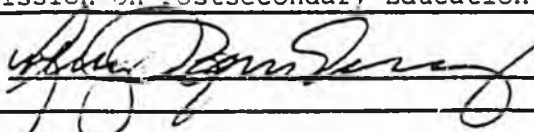
**POSITIONS :**

FULL-TIME						
PART-TIME						
TEM. ORARY						

**ANALYSIS :** Attach a separate page if necessary

No fiscal impact of changes, and administration will absorb any workload or supply changes.

Prepared by : Kerry D. Romesburg, Executive Director Phone : 465-2854  
 Division : Alaska Commission on Postsecondary Education Date : December 15, 1985

Approved by Commissioner :  Date : \_\_\_\_\_  
 Agency : \_\_\_\_\_

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- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)