

Leg. Finance - House & Senate Finance Comte Files (1973-74) 8879

HB 181am cont., 183, 186, 191, 192 221

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2 sities where students receiving tuition grants are enrolled reviewing
3 the work of the committee.

4 (d) The [SELECTION] committee shall meet at least once a year.
5 The meetings shall be held at the call of the chairman or upon petition
6 by two members.

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8 (b) A person whose loan or grant application is not recommended
9 or presented to the committee by the executive secretary may appeal to
10 the [SELECTION] committee through the chairman of the committee and the
11 committee shall consider the application.

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13 Sec. 14.40.757. ADMINISTRATION OF PROGRAM. The executive secre-
14 tary shall administer the programs [PROGRAM] subject to review by the
15 committee and in accordance with the [SUCH] regulations prescribed by
16 [AS] the committee [MAY PRESCRIBE]. The promulgation of these regula-
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18 but a summary of the regulations shall be distributed to each applicant.

19 * Sec. 4. AS 14.40.759 is amended to read:

20 Sec. 14.40.759. UNDERGRADUATE LOANS. The [SELECTION] committee
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22 undergraduate student eligible under sec. 765 of this chapter.

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24 Sec. 14.40.761. GRADUATE LOANS. The [SELECTION] committee may
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26 student who is eligible under sec. 765 of this chapter and is pursuing
27 an advanced degree.

28 * Sec. 6. AS 14.40.763(f) is amended to read:

29 (f) Interest on a loan given under secs. 751 - 806 of this

1 chapter is at the rate of five per cent a year.

2 * Sec. 7. AS 14.40.776(a) is amended to read:

3 (a) The executive secretary of the [SELECTION] committee shall
4 award a tuition grant to a student in an amount up to the difference
5 between (1) the cost, in a city where there is both a four-year state
6 university and a four-year private university or in a city where there
7 is both a two-year state community college and a two-year private
8 college, for the operation of the state institution on a full-time
9 student per academic year basis, and (2) the tuition paid by the student
10 at the state institution in those locations, but in no case may the
11 amount exceed \$1,400. The tuition grant paid to a full-time student
12 may not be in an amount that would result in a student paying less in
13 tuition or fees at a private college or university than would be re-
14 quired for a similar enrollment at the state institution in the same
15 city. The grant [AMOUNT] is to be applied by the student toward his
16 tuition at the private university or college in which he enrolls.

17 * Sec. 8. AS 14.40.776 is amended by adding a new subsection to read:

18 (c) The computation under (a) of this section shall be made by
19 the executive secretary. He shall publish the accounting procedures
20 employed in making the computation, including, but not limited to, the
21 time period on which the computation is based and the cost figures used.
22 This cost data shall be made available for information purposes to the
23 officers or administrators of the state institution whose cost of
24 operations is the basis for the computation and to the officers or
25 administrators of the private colleges and universities in which stu-
26 dents receiving tuition grants are enrolled. A committee consisting of
27 a qualified member of the staff of the division of budget and manage-
28 ment of the Department of Administration designated by the commissioner,
29 a qualified member of the staff of the Legislative Budget and Audit

1 Committee designated by the chairman of the committee, and one other
2 specially qualified person in the field of accounting, business manage-
3 ment or institutional finance appointed by the governor, shall review,
4 and may hear an appeal from, the determination of the computation by
5 the executive secretary. No officer, administrator, or other member
6 of the staff of a state institution whose cost of operations is under
7 review or an officer, administrator, or other member of the staff of
8 the private colleges or universities in which students receiving tuition
9 grants are enrolled may be a member of that committee.

10 * Sec. 9. AS 14.40.781 is amended by adding a new subsection to read:

11 (b) The amount of the maximum tuition grant under sec. 776 of
12 this chapter that may be awarded to a student who is also the recipient
13 of a federal grant for tuition is computed according to the formula
14 G equals P minus S minus F , in which

15 (1) G = the grant awarded, which in no case may exceed
16 \$1,400;

17 (2) P = the tuition and fees charged by the private college
18 or university in which the student is enrolled;

19 (3) S = the fee or tuition paid by a student at the state
20 institution in the same city where the private college or university is
21 located;

22 (4) F = the amount of any federal grant for tuition the
23 student may receive.

24 * Sec. 10. AS 14.40.786 is amended by adding new subsections to read:

25 (f) For the purposes of (b) and (c) of this section, "nonpublic
26 sources" means gifts or grants from private individuals, corporations,
27 foundations or other philanthropic or charitable organizations; these
28 gifts or grants shall be credited toward the minimum funding required
29 from nonpublic sources under (b) and (c) of this section only in the

1 fiscal year in which the donee's interest vests. Loans obtained from
2 any source and student payments for tuition, fees, room and board, or
3 for other auxiliary services are not "nonpublic sources" as that term
4 is used in (b) and (c) of this section.

5 (g) For the purposes of (c) and (d) of this section a scholarship
6 in the amount of tuition, or the amount of tuition not covered by a
7 tuition grant, is neither a "remission of tuition" nor a "contractual
8 agreement under the terms of which a student covered by the contract
9 pays less than the published tuition" as those terms are used in (c)
10 and (d) of this section.

11 (h) It is the intention of the legislature that the tuition grant
12 income be used solely for the support of the academic or instructional
13 program. A private college or university in which students receiving
14 tuition grants are enrolled may not use the income derived from the
15 tuition grant for

16 (1) construction or capital improvement costs and consequent
17 debt service;

18 (2) expenditures for research and public service;

19 (3) fund-raising and general development costs;

20 (4) intercollegiate athletics;

21 (5) the support of auxiliary services, including but not
22 limited to food services, dormitories, residence halls, or other forms
23 of student or faculty housing; or

24 (6) other extra-curricular student activities or services.

25 * Sec. 11. AS 14.40.796 is amended to read:

26 Sec. 14.40.796. APPLICATION AND CERTIFICATION. Application for
27 tuition grants must be submitted to the executive secretary. The appli-
28 cation deadline for a school year shall be determined by the executive
29 secretary [SELECTION COMMITTEE]. The executive secretary [OF THE

1 SELECTION COMMITTEE] may award grants only after the institution of
2 higher education has certified that the student has enrolled in a full-
3 time or part-time course of study in an associate, baccalaureate or
4 graduate degree program. The executive secretary [SELECTION COMMITTEE]
5 shall determine the appropriate formula for awarding tuition grants to
6 part-time students. He [, AND THE COMMITTEE] shall be guided by the
7 provisions of sec. 776 of this chapter in making that determination:
8 the difference between (1) the cost of operation for the state insti-
9 tution per semester credit hour and (2) the fee paid by the student at
10 the state institution per semester credit hour, but not to exceed an
11 appropriate portion of \$1,400. The tuition grant paid to a part-time
12 student may not be in an amount that would result in a student paying
13 less in tuition or fees at a private college or university than would
14 be required for a similar enrollment at the state institution in the
15 same city.

16 * Sec. 12. AS 14.40.801(a) is amended to read:

17 (a) The executive secretary may decline to award tuition grants
18 under sec. 776 of this chapter to students attending an institution if
19 he finds that the fiscal and business management practices of the insti-
20 tution are inadequate in comparison with the practices of similar
21 institutions. However, an institution whose fiscal and business manage-
22 ment practices are found inadequate as reflected in an annual audit
23 conducted according to auditing standards applicable to an institution
24 of higher education by a certified public accounting firm of the insti-
25 tution's selection may appeal the determination of the executive
26 secretary to the same committee appointed under sec. 776(c) of this
27 chapter [SELECTION COMMITTEE THROUGH THE CHAIRMAN OF THE COMMITTEE].

28 * Sec. 13. AS 14.40.801(d) is amended to read:

29 (d) Before any funds for tuition grants are disbursed, [THE

1 COMMISSIONER OF ADMINISTRATION AND] the executive secretary of the
2 [SELECTION] committee shall determine that no student is receiving a
3 grant to pay for courses of study or academic programs leading to an
4 undergraduate or graduate degree that are unnecessarily duplicated at
5 each of the institutions [A REQUIRED COURSE OR COURSES IN HIS AREA OF
6 STUDY THAT ARE OFFERED] under a [THE] consortium.

7 * Sec. 14. AS 14.40.806(2) is amended to read:

8 (2) "full-time student" means a student who is enrolled and
9 is in regular attendance at classes for at least 12 semester hours of
10 credit during the semester; any combination of 12 or more semester hours
11 of credit undertaken during a semester at two or more public or private
12 institutions of higher education operating under a consortium consti-
13 tutes full-time student status;

14 * Sec. 15. AS 14.40.806(3) is amended to read:

15 (3) "part-time student" means a student who is enrolled and
16 is in regular attendance at classes for at least six [TWO] but less
17 than twelve semester hours of credit during the semester;

18 * Sec. 16. AS 14.40.806 is amended by adding a new paragraph to read:

19 (6) "consortium" means a cooperative arrangement between two
20 or more public or private institutions of higher education specified in
21 agreements or memoranda of understanding to permit sharing of facilities,
22 instructional opportunities, and other educational services in such a
23 way that the integrity of each institution party to the consortium is
24 preserved while at the same time the institutions cooperatively plan
25 the academic calendar, scheduling, use of personnel and facilities, and
26 educational programs and offerings to the maximum advantage of the
27 students and faculties of the institutions that are parties to a con-
28 sortium.

29 * Sec. 17. This Act takes effect on the day after its passage and

1 approval or on the day it becomes law without approval.

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STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99801

LEGISLATIVE AFFAIRS AGENCY

April 3, 1973

MEMORANDUM

TO: Senator Clifford J. Groh, Chairman
Senate Finance Committee

FROM: Stuart C. Hall, ^{SCH} Legislative Counsel

SUBJECT: Amendments to CSHB 181 am (Student Financial Aid)

The Finance Committee has before it the above bill previously considered by the Health, Education and Social Services Committee and reported to the Senate with a series of amendments (Senate Journal, March 30, 1973, page 693, per the attached).

One of these amendments, which was not prepared by this office and of which I was unaware until today, would remove "Loans from any source" from among those items which may not be considered "nonpublic sources" in meeting the 22.5 per cent private funding requirements to qualify for student participation in the tuition grant program. If the Finance Committee, and the Senate as a whole, elects to follow the recommendation of the H.E.S.S. Committee, the particular amendment recommended by that body should be rewritten before the amendments are adopted and final passage occurs.

In 1972, when the legislature imposed the 22.5 (or 15) per cent requirement, it defined "nonpublic source" by parenthetically referring to "private gifts and grants". However, a loan, by definition, is neither a gift nor a grant. A loan means an advance of money with an absolute promise to repay. Plack's Law Dictionary (4th ed., 1957), pg 1085.

The purpose of this legislation, as introduced, was to eliminate both legal and administrative contradictions that had developed during the initial year of the program's administration. However, if the contradictory language is enacted, serious legal complications may ensue.

Therefore, I recommend that the parenthetical phrase which appears in AS 14.40.786(b) and (c) be deleted from the statute if the

H.E.S.S. Committee amendment to page 5, lines 1 and 2, is agreed to. The rewritten amendment I propose is as follows:

Page 7, between lines 28 and 29, insert:

** Sec. 17. AS 14.40.786(b) is amended to read:

(b) Before any funds for tuition grants are disbursed, the commissioner of administration and the executive secretary of the [SELECTION] committee shall assure themselves that at least 22.5 per cent of the annual operating budget of a private university or college in which students receiving tuition grants are enrolled is funded from nonpublic sources [(PRIVATE GIFTS AND GRANTS)], provided if a private university or college has less than 300 full-time students, the percentage required shall be 15 per cent funding from nonpublic sources. Determination of the required 15 or 22.5 per cent funding from nonpublic sources shall be made by the commissioner and executive secretary as of July 1, 1973, and as of July 1, for each succeeding year.

* Sec. 18. AS 14.40.786(c) is amended to read:

(c) No private university or college in which students receiving tuition grants are enrolled may grant remission of tuition to any student unless more than 22.5 per cent of its annual operating budget is funded from nonpublic sources [(PRIVATE GIFTS AND GRANTS)], provided if a private university or college has less than 300 full-time students, the percentage required shall be 15 per cent funding from nonpublic sources. The 15 or 22.5 per cent funding from nonpublic sources shall apply as of July 1, 1973, and as of July 1, for each succeeding year."

Page 7, line 29: delete "17" and insert "19"

SCH/sm

Enclosure

cc: Sen. Lowell Thomas, Jr.
Rep. Mildred H. Banfield
Rep. Helen Beirne

The Health, Education and Social Services Committee has had CS
 COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 181 amended (student HB
 financial aid) under consideration and the committee re- 181
 ports it back as follows: Senator Thomas, Chairman, am
 signed "do pass with the following amendment":

Page 1, line 18, after "serve" insert "at the pleasure of the
 governor"

Page 1, line 21, after "appointment", strike out "and serve at
 the pleasure of the governor"

Page 2, line 17, strike out "not"

Page 2, line 18, strike out "but", and insert "and"

Page 5, lines 1 and 2, strike "Loans" through "source and," and
 capitalize "Student"

Page 5, line 18, after "service", insert "unrelated to curriculum,
 instruction or academic program"

Page 7, between lines 28 and 29, insert:

"Sec. 17. AS 14.40.786(b) is amended to read:

(b) Before any funds for tuition grants are disbursed,
 the commissioner of administration and the executive secretary
 of the [SELECTION] committee shall assure themselves that at
 least 22.5 per cent of the annual operating budget of a private
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 executive secretary as of July 1, 1973, and as of July 1, for
 each succeeding year."

Page 7, line 29, delete "17" and insert "18"

Senators Croft and Sackett signed "no recommendation."

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 181 amended was
 referred to the Finance Committee.

Original sponsor: Rules Committee by request
of the Legislative Council

Offered: 3/5/73
Referred: Rules

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 181

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to student financial aid; and provid-
7 ing for an effective date."

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

9 * Section 1. AS 14.40.753 is amended to read:

10 Sec. 14.40.753. FINANCIAL AID [SELECTION] COMMITTEE. (a) There
11 is created the student financial aid [LOAN AND TUITION GRANT SELECTION]
12 committee composed of seven members appointed by the governor. The
13 committee is composed of the commissioner of education and at least one
14 undergraduate student, one person employed as a high school counselor,
15 one person from a minority group and one person representing the field
16 of vocational-technical training. No member may be the president or a
17 senior administrative officer of a college or university. Members
18 serve for a staggered two-year term, determined by lot, except that the
19 undergraduate student may serve only during the time he is enrolled as
20 a full-time student. Vacancies shall be filled in the same manner as
21 original appointment and serve at the pleasure of the governor. The
22 committee shall elect its chairman. The commissioner of education is the
23 [SHALL ACT AS] executive secretary of the committee The Department of
24 Education is charged with administering the programs [PROGRAM] estab-
25 lished by secs. 751 - 806 of this chapter.

26 (b) Members of the [SELECTION] committee serve without compensa-
27 tion but are entitled to per diem and travel expenses authorized by law
28 for boards and commissions.

29 (c) The [SELECTION] committee shall make an annual report to the

1 governor, the [AND] legislature and the private colleges and univer-
2 sities where students receiving tuition grants are enrolled reviewing
3 the work of the committee.

4 (d) The [SELECTION] committee shall meet at least once a year.
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26 secretary to the same committee appointed under sec. 776(c) of this
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Introduced: 2/6/73
Referred: Health, Welfare &
Education

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL

1 IN THE HOUSE

2 HOUSE BILL NO. 181

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to student financial aid; and pro-
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13 committee is composed of the commissioner of education and at least one
14 undergraduate student, one person employed as a high school counselor,
15 one person from a minority group and one person representing the field
16 of vocational-technical training. No member may be the president or a
17 senior administrative officer of a college or university. Members
18 serve for a staggered two-year term, determined by lot, except that the
19 undergraduate student may serve only during the time he is enrolled as
20 a full-time student. Vacancies shall be filled in the same manner as
21 original appointment [AT THE PLEASURE OF THE GOVERNOR]. The committee
22 shall elect its chairman. The commissioner of education is the [SHALL
23 ACT AS] executive secretary of the committee. The Department of Educa-
24 tion is charged with administering the programs [PROGRAM] established
25 by secs. 751 - 806 of this chapter.

26 (b) Members of the [SELECTION] committee serve without compensa-
27 tion but are entitled to per diem and travel expenses authorized by law
28 for boards and commissions.

29 (c) The [SELECTION] committee shall make an annual report to the

1 governor, the [AND] legislature and the private colleges and universities
2 where students receiving tuition grants are enrolled reviewing the
3 work of the committee.

4 (d) The [SELECTION] committee shall meet at least once a year.
5 The meetings shall be held at the call of the chairman or upon petition
6 by two members.

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8 (b) A person whose loan or grant application is not recommended
9 or presented to the committee by the executive secretary may appeal to
10 the [SELECTION] committee through the chairman of the committee and the
11 committee shall consider the application.

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13 Sec. 14.40.757. ADMINISTRATION OF PROGRAM. The executive secretary
14 shall administer the programs [PROGRAM] subject to review by the com-
15 mittee and those [SUCH] regulations as the committee may prescribe.
16 The promulgation of these regulations is not subject to the Administra-
17 tive Procedure Act (AS 44.62), but a copy of the regulations shall be
18 distributed to each applicant.

19 * Sec. 4. AS 14.40.759 is amended to read:

20 Sec. 14.40.759. UNDERGRADUATE LOANS. The [SELECTION] committee
21 may make a loan, not to exceed \$2,500 in any one school year, to an
22 undergraduate student eligible under sec. 765 of this chapter.

23 * Sec. 5. AS 14.40.761 is amended to read:

24 Sec. 14.40.761. GRADUATE LOANS. The [SELECTION] committee may
25 make a loan, not to exceed \$5,000 in any one school year, to a graduate
26 student who is eligible under sec. 765 of this chapter and is pursuing
27 an advanced degree.

28 * Sec. 6. AS 14.40.763(f) is amended to read:

29 (f) Interest on a loan given under secs. 751 - 806 of this

1 chapter is at the rate of five per cent a year.

2 * Sec. 7. AS 14.40.776(a) is amended to read:

3 (a) The executive secretary of the [SELECTION] committee shall
4 award a tuition grant to a student in an amount up to the difference
5 between (1) the cost, in a city where there is both a four-year state
6 university and a four-year private university or in a city where there
7 is both a two-year state community college and a two-year private
8 college, for the operation of the state institution on a full-time
9 student per academic year basis, and (2) the tuition paid by the student
10 at the state institution in those locations, but in no case may the
11 amount exceed \$1,400 The tuition grant paid to a full-time student
12 may not be in an amount that would result in a student paying less in
13 tuition or fees at a private college or university than would be re-
14 quired for a similar enrollment at the state institution in the same
15 city. The grant [AMOUNT] is to be applied by the student toward his
16 tuition at the private university or college in which he enrolls.

17 * Sec. 8. AS 14.40.776 is amended by adding a new subsection to read:

18 (c) The computation under (a) of this section shall be made by
19 the executive secretary. He shall publish the accounting procedures
20 employed in making the computation, including, but not limited to, the
21 time period on which the computation is based and the cost figures used.
22 This cost data shall be made available for information purposes to the
23 officers or administrators of the state institution whose cost of
24 operations is the basis for the computation and to the officers or
25 administrators of the private colleges and universities in which students
26 receiving tuition grants are enrolled. A committee consisting of a
27 qualified member of the staff of the division of budget and management
28 of the Department of Administration designated by the commissioner, a
29 qualified member of the staff of the Legislative Budget and Audit

1 Committee designated by the chairman of the committee, and one other
2 specially qualified person in the field of accounting, business manage-
3 ment or institutional finance appointed by the governor, shall review,
4 and may hear an appeal from, the determination of the computation by
5 the executive secretary. No officer, administrator, or other member
6 of the staff of a state institution whose cost of operations is under
7 review or an officer, administrator, or other member of the staff of
8 the private colleges or universities in which students receiving tuition
9 grants are enrolled may be a member of that committee.

10 * Sec. 9. AS 14.40.781 is amended by adding a new subsection to read:

11 (b) The amount of the maximum tuition grant under sec. 776 of
12 this chapter that may be awarded to a student who is also the recipient
13 of a federal grant for tuition is computed according to the formula
14 G equals P minus S minus F , in which

15 (1) G = the grant awarded, which in no case may exceed \$1,400;

16 (2) P = the tuition charged by the private college or uni-
17 versity in which the student is enrolled;

18 (3) S = the fee or tuition paid by a student at the state
19 institution in the same city where the private college or university is
20 located;

21 (4) F = the amount of any federal grant for tuition the
22 student may receive.

23 * Sec. 10. AS 14.40.786 is amended by adding new subsections to read:

24 (f) For the purposes of (b) and (c) of this section, "nonpublic
25 sources" means gifts or grants from private individuals, corporations,
26 foundations or other philanthropic organizations; these gifts or
27 grants are ones in which the donee's interest vests immediately. Loans
28 obtained from any source and student payments for tuition, fees, room
29 and board or for other auxiliary services are not "nonpublic sources"

1 as that term is used in (b) and (c) of this section. For the purposes
2 of (c) and (d) of this section a scholarship in the amount of tuition,
3 or in the amount of tuition not covered by a tuition grant, is neither
4 a "remission of tuition" nor a "contractual agreement under the terms
5 of which a student covered by the contract pays less than the published
6 tuition" as those terms are used in (c) and (d) of this section.

7 (g) It is the intention of the legislature that the tuition grant
8 income be used solely for the support of the academic or instructional
9 program. A private college or university in which students receiving
10 tuition grants are enrolled may not use the income derived from the
11 tuition grant for

12 (1) construction or capital improvement costs and consequent
13 debt service;

14 (2) expenditures for research and public service;

15 (3) fund-raising and general development costs;

16 (4) varsity or intramural athletics;

17 (5) the support of auxiliary services, including but not
18 limited to food services, dormitories, residence halls, or other forms
19 of student or faculty housing; or

20 (6) other extra-curricular student activities or services.

21 * Sec. 11. AS 14.40.796 is amended to read:

22 Sec. 14.40.796. APPLICATION AND CERTIFICATION. Application for
23 tuition grants must be submitted to the executive secretary. The appli-
24 cation deadline for a school year shall be determined by the executive
25 secretary [SELECTION COMMITTEE]. The executive secretary [OF THE
26 SELECTION COMMITTEE] may award grants only after the institution of
27 higher education has certified that the student has enrolled in a full-
28 time or part-time course of study in an associate, baccalaureate or
29 graduate degree program. The executive secretary [SELECTION COMMITTEE]

1 shall determine the appropriate formula for awarding tuition grants to
2 part-time students. He [, AND THE COMMITTEE] shall be guided by the
3 provisions of sec. 776 of this chapter in making that determination:
4 the difference between (1) the cost of operation for the state insti-
5 tution per semester credit hour and (2) the fee paid by the student at
6 the state institution per semester credit hour, but not to exceed an
7 appropriate portion of \$1,400. The tuition grant paid to a part-time
8 student may not be in an amount that would result in a student paying
9 less in tuition or fees at a private college or university than would
10 be required for a similar enrollment at the state institution in the
11 same city.

12 * Sec. 12. AS 14.40.801(a) is amended to read:

13 (a) The executive secretary may decline to award tuition grants
14 under sec. 776 of this chapter to students attending an institution if
15 he finds that the fiscal and business management practices of the insti-
16 tution are inadequate in comparison with the practices of similar
17 institutions. However, an institution whose fiscal and business manage-
18 ment practices are found inadequate as reflected in an annual audit
19 conducted according to auditing standards applicable to an institution
20 of higher education by a certified public accounting firm of the insti-
21 tution's selection may appeal the determination of the executive
22 secretary to the same committee appointed under sec. 776(c) of this
23 chapter [SELECTION COMMITTEE THROUGH THE CHAIRMAN OF THE COMMITTEE].

24 * Sec. 13. AS 14.40.801(d) is amended to read:

25 (d) Before any funds for tuition grants are disbursed, [THE
26 COMMISSIONER OF ADMINISTRATION AND] the executive secretary of the
27 [SELECTION] committee shall determine that no student is receiving a
28 grant to pay for courses of study or academic programs leading to an
29 undergraduate or graduate degree that are unnecessarily duplicated at

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STUDY THAT ARE OFFERED] under a [THE] consortium.

* Sec. 14. AS 14.40.806(3) is amended to read:

(3) "part-time student" means a student who is enrolled and
is in regular attendance at classes for at least six [TWO] but less
than twelve semester hours of credit during the semester;

* Sec. 15. This Act takes effect on the day after its passage and approv-
al or on the day it becomes law without approval.

Introduced: 2/6/73
Referred: Health, Welfare &
Education

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL

1 IN THE HOUSE

2 HOUSE BILL NO. 181

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to student financial aid; and pro-
7 viding for an effective date."

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

9 * Section 1. AS 14.40.753 is amended to read:

10 Sec. 14.40.753. FINANCIAL AID [SELECTION] COMMITTEE. (a) There
11 is created the student financial aid [LOAN AND TUITION GRANT SELECTION]
12 committee composed of seven members appointed by the governor. The
13 committee is composed of the commissioner of education and at least one
14 undergraduate student, one person employed as a high school counselor,
15 one person from a minority group and one person representing the field
16 of vocational-technical training. No member may be the president or a
17 senior administrative officer of a college or university. Members
18 serve for a staggered two-year term, determined by lot, except that the
19 undergraduate student may serve only during the time he is enrolled as
20 a full-time student. Vacancies shall be filled in the same manner as
21 original appointment [AT THE PLEASURE OF THE GOVERNOR]. The committee
22 shall elect its chairman. The commissioner of education is the [SHALL
23 ACT AS] executive secretary of the committee. The Department of Educa-
24 tion is charged with administering the programs [PROGRAM] established
25 by secs. 751 - 806 of this chapter.

26 (b) Members of the [SELECTION] committee serve without compensa-
27 tion but are entitled to per diem and travel expenses authorized by law
28 for boards and commissions.

29 (c) The [SELECTION] committee shall make an annual report to the

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2 where students receiving tuition grants are enrolled reviewing the
3 work of the committee.

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9 or presented to the committee by the executive secretary may appeal to
10 the [SELECTION] committee through the chairman of the committee and the
11 committee shall consider the application.

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7 is both a two-year state community college and a two-year private
8 college, for the operation of the state institution on a full-time
9 student per academic year basis, and (2) the tuition paid by the student
10 at the state institution in those locations, but in no case may the
11 amount exceed \$1,400. The tuition grant paid to a full-time student
12 may not be in an amount that would result in a student paying less in
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21 time period on which the computation is based and the cost figures used.
22 This cost data shall be made available for information purposes to the
23 officers or administrators of the state institution whose cost of
24 operations is the basis for the computation and to the officers or
25 administrators of the private colleges and universities in which student
26 receiving tuition grants are enrolled. A committee consisting of a
27 qualified member of the staff of the division of budget and management
28 of the Department of Administration designated by the commissioner, a
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1 Committee designated by the chairman of the committee, and one other
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28 obtained from any source and student payments for tuition, fees, room
29 and board or for other auxiliary services are not "nonpublic sources"

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3 or in the amount of tuition not covered by a tuition grant, is neither
4 a "remission of tuition" nor a "contractual agreement under the terms
5 of which a student covered by the contract pays less than the published
6 tuition" as those terms are used in (c) and (d) of this section.

7 (g) It is the intention of the legislature that the tuition grant
8 income be used solely for the support of the academic or instructional
9 program. A private college or university in which students receiving
10 tuition grants are enrolled may not use the income derived from the
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27 higher education has certified that the student has enrolled in a full-
28 time or part-time course of study in an associate, baccalaureate or
29 graduate degree program. The executive secretary [SELECTION COMMITTEE]

1 shall determine the appropriate formula for awarding tuition grants to
2 part-time students. He [, AND THE COMMITTEE] shall be guided by the
3 provisions of sec. 776 of this chapter in making that determination:
4 the difference between (1) the cost of operation for the state insti-
5 tution per semester credit hour and (2) the fee paid by the student at
6 the state institution per semester credit hour, but not to exceed an
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16 tution are inadequate in comparison with the practices of similar
17 institutions. However, an institution whose fiscal and business manage-
18 ment practices are found inadequate as reflected in an annual audit
19 conducted according to auditing standards applicable to an institution
20 of higher education by a certified public accounting firm of the insti-
21 tution's selection may appeal the determination of the executive
22 secretary to the same committee appointed under sec. 776(c) of this
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each of the institutions [A REQUIRED COURSE OR COURSES IN HIS AREA OF
STUDY THAT ARE OFFERED] under a [THE] consortium.

* Sec. 14. AS 14.40.806(3) is amended to read:

(3) "part-time student" means a student who is enrolled and
is in regular attendance at classes for at least six [TWO] but less
than twelve semester hours of credit during the semester;

* Sec. 15. This Act takes effect on the day after its passage and approv-
al or on the day it becomes law without approval.

The Legislature of the State of Alaska
 FISCAL NOTE
 First Session - Eighth Legislature

I. REQUEST

Bill Identification: CS HB 181
 Title: Student Financial Aid
 Requested by: Legislative Finance Date: 4/2/73
 Return Date Requested: ASAP
 Agency: Education Program: Post Secondary & Adult

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Student Financial Aid
 A. EXPENDITURES: (Thousands of dollars)

| OBJECT | FY 73 | FY 74 | FY 75 | FY 76 | FY 77 | FY 78 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | | -0- | -0- | -0- | -0- | -0- |

B. FUNDING: (Thousands of dollars)

| | | | | | | |
|---------------|--|-----|-----|-----|-----|-----|
| GENERAL FUND | | -0- | -0- | -0- | -0- | -0- |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |

C. POSITIONS:

| | | | | | | |
|---------------------|---|---|---|---|---|---|
| PERMANENT/TEMPORARY | / | / | / | / | / | / |
| MAN MONTHS (P./T.) | / | / | / | / | / | / |

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The Governor's budget request for Student Financial Aid is sufficient to fund any changes which would result from the enactment of CS HB 181.

IV. ATTACHMENTS

V. DATE: 4/2/73 PREPARED BY: Nathaniel Gilbride

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)



RECORDS



CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

4/26/89
Date

COMMITTEE REPORT

3/23/74

SENATE

Mr. President:

Date 4/24/74

The Committee on FINANCE has had HB 183 relating to eligibility for veterans' loans under consideration. A Majority of the members of the Committee

- () recommends it DO PASS
- () recommends it DO NOT PASS
- () recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- () recommends it BE REPLACED WITH CS FOR _____ AND THAT CS FOR _____ DO PASS
- () "and" recommends it BE REFERRED TO THE _____ COMMITTEE
- () reports it back WITHOUT RECOMMENDATION
- () "other" *reports it back with attached amendments*

Members signing the Majority report:

| | | |
|--------------------|--------------------|-------|
| <u>[Signature]</u> | _____ | _____ |
| <u>[Signature]</u> | <u>[Signature]</u> | _____ |
| <u>[Signature]</u> | <u>[Signature]</u> | _____ |
| _____ | _____ | _____ |

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

[Signature] Chairman

Introduced: 2/6/73
Referred: Commerce

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 183

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to eligibility for veterans' loans."

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

8 * Section 1. AS 26.15.130(a)(1)(B) is amended to read:

9 (B) who, not being bona fide residents of the territory
10 before their entry into the service, have been residents of the
11 territory or state for five [10] or more years;

12 * Sec. 2. AS 26.15.160(1)(B) is amended to read:

13 (B) who at the time of entry into the service were bona
14 fide residents of the territory or State of Alaska and had been
15 residents of the territory or state for not less than one year
16 before their entry into the service; and who have returned to the
17 territory or state within a reasonable length of time after dis-
18 charge or separation as residents with the intention of remaining
19 in the territory or state; or who, not being bona fide residents
20 of the territory before their entry into the service, have lived
21 in the territory or state for at least five [10] years following
22 their release from active military service; and

23 * Sec. 3. AS 26.15.160(3) is amended to read:

24 (3) No person unless he has lived in the state or terri ry
25 for at least five [10] years following his release from active military
26 service is eligible for the benefits of this section who is eligible
27 for veterans' benefits under the laws of any other state or territory.
28 A World War II veteran who received a bonus under secs. 120 and 150 of
29 this chapter need not repay the bonus in order to qualify under the

Introduced: 2/6/73
Referred: Commerce

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

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3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

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17 territory or state within a reasonable length of time after dis-
18 charge or separation as residents with the intention of remaining
19 in the territory or state; or who, not being bona fide residents
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The Legislature of the State of Alaska
FISCAL NOTE
First Session - Eighth Legislature

I. REQUEST

Bill Identification: House Bill 183
 Title: Relating to eligibility for veterans' loans
 Return Date Requested: 2/16/73
 Agency: Department of Commerce Program: Veterans' Affairs

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Veterans' Affairs
 A. EXPENDITURES: (Thousands of dollars)

| OBJECT | FY 73 | FY 74 | FY 75 | FY 76 | FY 77 | FY 78 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 100 PERSONAL SERVICES | | 99.8 | 104.8 | 110.0 | 115.5 | 121.3 |
| 200 TRAVEL | | 6.5 | 6.8 | 7.1 | 7.5 | 7.9 |
| 300 CONTRACTUAL | | 8.9 | 9.3 | 9.8 | 10.3 | 10.8 |
| 400 COMMODITIES | | 2.4 | 2.5 | 2.6 | 2.7 | 2.8 |
| 500 EQUIPMENT | | 5.3 | 5.6 | 5.9 | 6.2 | 6.5 |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | | 122.9 | 129.0 | 135.4 | 142.2 | 149.3 |

B. FUNDING: (Thousands of dollars)

| GENERAL FUND | | | | | | |
|-------------------------|--|-------|-------|-------|-------|-------|
| OTHER VA Revolving Fund | | 122.9 | 129.0 | 135.4 | 142.2 | 149.3 |

C. POSITIONS:

| PERMANENT/TEMPORARY | / | 7 / | 7 / | 7 / | 7 / | 7 / |
|---------------------|---|------|------|------|------|------|
| MAN MONTHS (P./T.) | / | 84 / | 84 / | 84 / | 84 / | 84 / |

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Volume would increase 40-50% which would necessitate the increase of 7 new employees within the Division of Veterans' Affairs

IV. ATTACHMENTS

4

V. DATE: 2/16/73 PREPARED BY: *William F. Fossil*

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

DEPUTY DIRECTOR - GENERAL OFFICE - JUNEAU - RANGE 21

| | | |
|---|------------------------|--------------------|
| Monthly Salary | \$1,579.00 | |
| Plus Benefits - 20% | <u>315.80</u> | |
| Total | <u>\$1,894.80</u> x 12 | \$22,737.60 |
| Equipment - Desk \$350, Exec. Chair \$150, Calculator \$150, Two-Drawer File \$150 | | 800.00 |
| Commodities - Professional Services and Supplies \$200, General Supplies \$150 | | 350.00 |
| Contractual - Phone \$250, Rent 100 sq. ft. @ 80¢/sq. ft. per month x 12 = | \$ 960.00 | |
| Professional Services | 100.00 | |
| Printing and Advertising | 100.00 | |
| Transportation of Things | <u>1,500.00</u> | |
| Total | | 2,660.00 |
| Travel | | <u>2,000.00</u> |
| TOTAL | | <u>\$28,543.00</u> |

LOAN EXAMINER I - ANCHORAGE AND JUNEAU REGIONAL OFFICES - RANGE 15
(ONE EACH)

| | | |
|--|------------------------|-------------------------|
| Monthly Salary | \$1,015.00 | |
| Plus Benefits - 20% | <u>203.00</u> | |
| Total | <u>\$1,218.00</u> x 12 | \$14,616.00 |
| Equipment - Desk \$250, Chair \$100, Calculator \$150, Five-Drawer File Cabinet \$130 | | 630.00 |
| Commodities - General Supplies | | 200.00 |
| Contractual - Phone | \$250.00 | |
| Rent 100 sq. ft. @ 80¢/sq. ft. per month x 12 = | .960.00 | |
| Printing and Advertising | 100.00 | |
| Professional Services | <u>50.00</u> | |
| Total | | 1,360.00 |
| Travel | | <u>1,500.00</u> |
| Total | | <u>18,306.00</u> x 2 |
| TOTAL | | <u>\$36,612.00</u> |

LOAN EXAMINER I - FAIRBANKS REGIONAL OFFICE - RANGE 15

| | | |
|--|------------------------|--------------------|
| Monthly Salary | \$1,133.00 | |
| Plus Benefits - 20% | <u>226.60</u> | |
| Total | <u>\$1,359.60</u> x 12 | \$16,315.00 |
| Equipment - Desk \$250, Chair \$100, Calculator \$150, Five-Drawer File Cabinet \$130 | | 630.00 |
| Commodities - General Supplies | | 200.00 |
| Contractual - Phone | \$250.00 | |
| Rent 100 sq. ft. @ 80¢/sq. ft. per . month x 12 = | 960.00 | |
| Printing and Advertising | 100.00 | |
| Professional Services | <u>50.00</u> | |
| Total | | 1,360.00 |
| Travel | | <u>1,500.00</u> |
| TOTAL | | <u>\$20,005.00</u> |

CLERK IV - JUNEAU GENERAL OFFICE - ANCHORAGE REGIONAL OFFICE -
 RANGE 9 (2 IN JUNEAU GENERAL OFFICE, 1 IN ANCHORAGE REGIONAL
 OFFICE)

| | | |
|---------------------|----------------------|-------------|
| Monthly Salary | \$729.00 | |
| Plus Benefits - 20% | <u>145.80</u> | |
| Total | <u>\$874.80</u> x 12 | \$10,498.00 |

| | | |
|---|--|--------|
| Equipment - Chair \$50, Desk \$200, Typewriter \$600 | | 850.00 |
|---|--|--------|

| | | |
|-------------------------------------|---------------|--------|
| Commodities - Professional Supplies | \$200.00 | |
| General Office Supplies | 200.00 | |
| Other Supplies | <u>100.00</u> | |
| Total | | 500.00 |

| | | |
|---|--------------|---------------|
| Contractual - Rent 50 sq. ft. @ 80¢/sq. ft. per month x 12 = | \$480.00 | |
| Phone | 150.00 | |
| Printing and Advertising | 50.00 | |
| Professional Services | <u>50.00</u> | |
| Total | | <u>730.00</u> |

| | | |
|-------|--|-------------------------|
| Total | | <u>12,578.00</u> x 3 |
|-------|--|-------------------------|

| | | |
|-------|--|--------------------|
| TOTAL | | <u>\$37,734.00</u> |
|-------|--|--------------------|



RECORDS CERTIFICATION



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James O. Smith
Signature of Camera Operator

4/26/89
Date

Introduced: 2/6/73
Referred: Resources and
Finance

1 IN THE HOUSE

BY ELIASON

2 HOUSE BILL NO. 186

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Fish and Game for the operation of the
8 southeastern herring program; and providing for an
9 effective date."

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

11 * Section 1. The sum of \$50,000 is appropriated from the general fund to
12 the Department of Fish and Game for the operation of the southeastern herring
13 program.

14 * Sec. 2. This Act takes effect July 1, 1973.

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The Legislature of the State of Alaska
 FISCAL NOTE
 First Session - Eighth Legislature

I. REQUEST

Bill Identification: HB 186
 Title: Herring program appropriation
 Requested by: Legislative Finance Date: 2-28-73
 Return Date Requested: 3-7-73
 Agency: Fish and Game Program: Natural Resources & Env. Cons.

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Commercial Fisheries

A. EXPENDITURES: (Thousands of dollars)

| OBJECT | FY 73 | FY 74 | FY 75 | FY 76 | FY 77 | FY 78 |
|--------------------------|-------|--------|--------|--------|--------|--------|
| 100 PERSONAL SERVICES | | 15,000 | 15,750 | 16,550 | 17,360 | 18,230 |
| 200 TRAVEL | | 2,000 | 2,100 | 2,200 | 2,300 | 2,400 |
| 300 CONTRACTUAL | | 17,000 | 26,400 | 27,600 | 28,790 | 29,920 |
| 400 COMMODITIES | | 5,000 | 5,250 | 5,500 | 5,750 | 6,000 |
| 500 EQUIPMENT | | 11,000 | 3,000 | 3,150 | 3,300 | 3,450 |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | | 50,000 | 52,500 | 55,000 | 57,500 | 60,000 |

B. FUNDING: (Thousands of dollars)

| | | | | | | |
|---------------|--|--------|--------|--------|--------|--------|
| GENERAL FUND | | 50,000 | 52,500 | 55,000 | 57,500 | 60,000 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |

C. POSITIONS: Fishery Biologist - I - Temporary

| | | | | | | |
|---------------------|------|------|------|------|------|------|
| PERMANENT/TEMPORARY | / 2 | / 2 | / 2 | / 2 | / 2 | / 2 |
| MAN MONTHS (P./T.) | / 12 | / 12 | / 12 | / 12 | / 12 | / 12 |

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Southeast Alaska Herring Research and Management and Needs for Project Expansion . . . (see attached pages).

IV. ATTACHMENTS

V. DATE: March 7, 1973

PREPARED BY: Carl L. Rosier

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Southeast Alaska Herring Research and
Management and Needs for Project Expansion

World herring stocks fluctuate widely in size because of the great variability in natural mortality of the egg and larva stages within successive years. Of course, fishing mortality also depresses stock size, and locally the combination of the two forms of mortality resulted in annual harvests of Southeast Alaska herring that in past years have fluctuated between about 148 million and 25 million pounds.

Herring were used principally for reduction purposes prior to 1968, after which time their principal use was crab and halibut bait with total annual Southeast Alaska catches of less than 10 million pounds.

World food markets are now creating a new demand for herring products, and historical fisheries such as those of the North Atlantic are depressed below the level of demand. Therefore the demand for Pacific Coast herring is rising. The principal food product is the egg sack which is removed from the body when fully ripened just prior to spawning. --Flesh filets will also be marketed along with meal and oil which will surely substitute for the products of the depressed anchovetta fishery along the western coast of South America.

The Alaska Department of Fish and Game recognizes that the herring stocks of Southeast (and entire) Alaska are probably at relatively low levels in terms of numbers of individual fish, although those stocks are biologically healthy. This means that they have the capability to rapidly expand population size given the proper set of environmental conditions.

We believe that herring can be harvested in Southeast Alaska, but that we should be conservative in our estimates of allowable harvest. Therefore, in the fall of 1972 we successfully requested the Board of Fish and Game to adopt a regulation enabling the Division of Commercial Fisheries to establish harvest quotas at about 10% of the fish available in each major stock upon which a fishery operates.

Our entire herring management program relied on our ability to define discrete herring stocks and to estimate the population size of each stock. In past years and generally prior to Statehood, fisheries personnel judged size of herring stocks by flying over spawning areas and determining the area covered by spawning fish. This method is quite inaccurate because egg mortality which may be higher than 99% cannot be easily assessed. Also, many herring may spawn in a small area whereas another group may disperse over a large area.

More recently, we have begun to develop a method of assessing herring stock size through the use of hydroacoustical equipment mounted on the State vessel M/V Kittiwake. We have contracted the Fisheries Research Institute at the University of Washington to provide the technology in developing our hydroacoustical methods, which enable us to estimate the length, width and depth of a herring school and then estimate the number of herring per cubic meter

within the school to arrive at an estimate of total number of herring within a school. Once we calculate our estimate of total herring present we can determine how many fish should be included in a harvest quota, which as previously stated is a small percentage of total available fish.

Our hydroacoustical methods must be tested to determine if our estimates of herring abundance are satisfactorily accurate. Herring settle to deep water during winter days and then rise and spread out during the hours of darkness. Our estimates of abundance are not comparable for day and night observations. Also, we do not know why herring come together in large schools during winter months nor do we know the timing and number of months during which they remain in their wintering schools. In many instances we do not know where herring schools go when they leave the wintering grounds. Therefore, if fishermen wish to catch herring for egg extraction immediately prior to spawning at which time they are too shallow to survey with our acoustical gear, we must be able to associate spawning stocks with wintering stocks so that realistic harvest quotas can be annually established for the various stocks.

Our herring research project in Southeast Alaska is presently concerned with the research objectives listed above plus the actual estimation of stock size for the establishment of quotas. We also conduct searching activities to locate herring stocks which are not already included in our inventory. Concurrent with the fisheries we collect herring from the various stocks to determine the size and age composition, which in turn indicates annual survival of each year class.

We cannot logically hope to accomplish all these objectives with an annual research budget of \$48,800 plus vessel use. About \$35,000 of this amount is used for permanent and temporary employee salaries. These people operate the hydroacoustical gear aboard our vessel and process all the Southeast Alaska herring samples in the laboratory. The remainder of the herring research fiscal year 1973 budget is apportioned as follows.

| | |
|------------------------|---|
| Line 200 (travel) | \$3,200 |
| Line 300 (contractual) | \$7,500 (Univ. of Washington cooperative work). |
| Line 400 (commodities) | \$2,500 (includes sampling nets) |
| Line 500 (equipment) | \$1,000 |

We know that the demand for herring products will increase and that additional stocks will be exploited in satisfying this demand. We are unsure of our ability to maintain a lead position in dealing with these fisheries for we can easily devote all our energy and money on meeting only the management objectives while disregarding our research needs. Of course this procedure is unacceptable because our research results are necessary to the formation of a realistic management program.

We may proceed along either of two paths with our Southeast Alaska herring program. The path we wish to avoid is that of meeting each fishery regulatory decision as it arises while attempting to maintain our herring stocks in a viable condition. The second and highly preferred path is that of utilizing a second vessel with hydroacoustical equipment and developing a two-phase program which meets all research and management objectives. We are working on a proposal for a "herring group" which would meet these needs. Our cost estimates vary with amount of vessel charter time allotted, but those figures have not been finalized. Our basic needs are for a second set of acoustical gear to be placed on a second vessel, trawling equipment to sample the stocks, two personnel to operate the acoustical gear, an expanded contract with the University of Washington, and operational money for travel and commodities. Additional vessel charter time could be solicited from present management programs, although we would continue to seek additional funding for the Department's austere vessels program.

Summarized, the increased costs would be apportioned in the following manner.

| | | |
|-------------------|----------|---|
| Personal Services | \$15,000 | (2 temporary biologist for 6 months each). |
| Travel | 2,000 | |
| Contractual | 17,000 | (includes vessel charter) |
| Commodities | 5,000 | |
| Equipment | 11,000 | (includes electronic equipment for vessels and laboratory). |

I hope this summary is a satisfactory reply to the original request. If specific questions remain unanswered I will be very happy to expand on any section of this document.



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James O. Smith
Signature of Camera Operator

4/26/89
Date

Introduced: 2/7/73
Referred: Resources and
Finance

1 IN THE HOUSE

BY MCGILL, HAUGEN,
ELIASON AND NAUGHTON

2 HOUSE BILL NO. 191

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Fish and Game for foreign fishing fleet
8 observers; and providing for an effective date."

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

10 * Section 1. The sum of \$300,000 is appropriated from the general fund
11 to the Department of Fish and Game for the purpose of employing eight persons
12 to act as observers of foreign nationals fishing in the Bering Sea.

13 * Sec. 2. This Act takes effect July 1, 1973.

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The Legislature of the State of Alaska
 FISCAL NOTE
 First Session - Eighth Legislature

I. REQUEST

Bill Identification: HB 191
 Title: Fish and Game foreign fishing fleet observers
 Requested by: Representative Joseph McGill Date: February 26, 1973
 Return Date Requested: February 28, 1973
 Agency: Fish and Game Program: Natural Resources & Env. Cons.

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Commercial Fish
 A. EXPENDITURES: (Thousands of dollars)

| OBJECT | FY 73 | FY 74 | FY 75 | FY 76 | FY 77 | FY 78 |
|--------------------------|-------|---------|---------|---------|---------|---------|
| 100 PERSONAL SERVICES | -0- | 145,800 | 153,000 | 160,600 | 168,600 | 177,000 |
| 200 TRAVEL | 800 | 36,400 | 38,200 | 40,100 | 42,100 | 44,200 |
| 300 CONTRACTUAL | -0- | 7,000 | 7,300 | 7,700 | 8,100 | 8,500 |
| 400 COMMODITIES | -0- | 4,500 | 4,700 | 4,900 | 5,100 | 5,400 |
| 500 EQUIPMENT | -0- | 2,500 | 1,000 | 500 | 500 | 1,500 |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | 800 | 196,200 | 204,200 | 213,800 | 224,300 | 236,600 |

B. FUNDING: (Thousands of dollars)

| | | | | | | |
|---------------|-----|---------|---------|---------|---------|---------|
| GENERAL FUND | 800 | 196,200 | 204,200 | 213,800 | 224,300 | 236,600 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |

C. POSITIONS: Fishery Biologist III Range 18 - plus benefits - 18.2

| | | | | | | |
|---------------------|---|------|------|------|------|------|
| PERMANENT/TEMPORARY | / | 8 / | 8 / | 8 / | 8 / | 8 / |
| MAN MONTHS (P./T.) | / | 96 / | 96 / | 96 / | 96 / | 96 / |

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Legislative intent for implementation is unclear as two alternatives exist. Is implementation to be based on federal withdrawal of funding for observer program after June 30, 1973 or does the state wish to expand existing program for more complete coverage beginning July 1, 1973. Funding level of 300,000 for eight employees participating as observers appears to be in excess of needs. Salaries for new employees is major cost factor followed by outside travel costs. Contractual services costs are largely communications and data processing. Commodities and equipment are overhead costs for on board sampling equipment and office equipment for staff. Program costs beyond 1974 are presented however continuation of funding is not indicated.

IV. ~~ATTACHMENTS~~

V. DATE: 2/28/73 PREPARED BY: Carol Rosier

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)



JUNEAU ALASKA

Alaska State Legislature
House

FINANCE COMMITTEE BILL ASSIGNMENT

TO: Representative Haugen
House Finance Committee

DATE: March 9, 1973

FROM: Earl D. Hillstrand
Chairman
House Finance Committee

BILL NO.: HOUSE BILL 191

TITLE: "An Act making a special appropriation to the Department of Fish and Game for foreign fishing fleet observers; and providing for an effective date."

COMMENTS: This bill has been referred to you for your review and research and eventual presentation to the committee for their consideration.



RECORDS



CERTIFICATION

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James O. Smith
Signature of Camera Operator

4/26/89
Date

STU HALL DRAFTING CS & WOULD LIKE TO BE CALLED
IF IT IS TAKEN UP.

Introduced: 2/7/73
Referred: Health, Welfare &
Education and Finance

1 IN THE HOUSE

BY THE HEALTH, WELFARE AND
EDUCATION COMMITTEE

2 HOUSE BILL NO. 192

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: An Act relating to public education in the unorganized
7 borough; and providing for an effective date."

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

9 * Section 1. AS 14 is amended by adding a new chapter to read:

10 CHAPTER 11. EDUCATIONAL SERVICE AREAS IN THE UNORGANIZED BOROUGH.

11 Sec. 14.11.005. PURPOSE. (a) It is the purpose of this chapter
12 in establishing educational service areas to provide for public educa-
13 tion in the unorganized borough thus encouraging maximum public parti-
14 cipation in the state's public education system and ensuring that the
15 system as it operates in rural Alaska will be responsive and account-
16 able to the constituency it serves.

17 (b) Nothing in this chapter prohibits an organized borough, or a
18 city or village or settlement in an unorganized area of the state from
19 becoming part of or being formed into an organized unit of local
20 government authorized by law.

21 Sec. 14.11.010. ESTABLISHMENT OF EDUCATIONAL SERVICE AREAS. The
22 unorganized borough shall be divided into educational service areas by
23 the state Board of Education on recommendation of the department.
24 Consideration of the boundaries of an educational service area by the
25 board shall follow a hearing held before one or more of its members
26 as designated by the chairman. In establishing the boundaries of
27 educational services areas, the board shall consider the location of
28 existing administrative centers as well as other factors designed to
29 ensure the creation of effective educational units and sound educa-

1 tional administration in rural Alaska.

2 Sec. 14.11.020. EDUCATIONAL SERVICE AREA BOARDS. Each educa-
3 tional service area shall have an area school board which shall consist
4 of five, seven, or nine members. The initial size of the area school
5 board shall be determined by the department at the time that the educa-
6 tional service area is established. However, the qualified voters in
7 an educational service area may increase or decrease the number of area
8 board members by placing the question on the ballot at a regular
9 election or a special election at least 90 days prior to a regular
10 election in the manner prescribed by law.

11 Sec. 14.11.030. EDUCATIONAL SERVICE AREA SCHOOL BOARD TERMS.

12 (a) The term of office of an educational service area school board
13 member is three years and until a successor takes office. However,
14 members of a newly created five member educational service area school
15 board hold office for initial terms as follows: two for a term of
16 three years, two for a term of two years, and one for a term of one
17 year. The members of a newly created seven member educational service
18 area school board hold office for initial terms as follows: three for a
19 term of three years, two for a term of two years, and two for a term of
20 one year. The members of a newly created nine member educational
21 service area school board hold office for initial terms as follows:
22 three members each for terms of three, two, and one years. Terms are
23 assigned to new members by lot.

24 (b) When a transition occurs increasing the size of an educational
25 service area school board, the length of terms of office of the new
26 members shall be assigned by lot so as to create a seven or nine man
27 board constituted as provided in subsection (a) of this section.

28 (c) When a transition occurs decreasing the size of an educational
29 service area school board to five or seven, all terms of office end as

1 of the next educational service area school board election and the newly
2 elected board shall constitute itself as provided in subsection (a) of
3 this section.

4 (d) Nothing in this section prevents an educational service area
5 school board member from succeeding himself.

6 Sec. 14.11.040. TRANSITION. The transition from one size
7 educational service area school board to another size shall be made at
8 the regular election following the vote to alter the size of the
9 educational service area school board.

10 Sec. 14.11.050. QUALIFICATIONS, OATH, VACANCIES, ETC. The
11 eligibility to be an educational service area school board member, oath
12 of office, method of filling vacancies, and limitation of liability of
13 a member are all governed by the provisions of AS 14.20.070 - 14.20.090
14 and AS 14.12.120.

15 Sec. 14.11.060. POWERS AND DUTIES. An educational service area
16 board has the same powers and duties as a city or borough district
17 school board under AS 14.14.020, 14.14.050, 14.14.070 - 14.14.160 and
18 14.14.250 - 14.14.300 except as provided otherwise by this chapter or
19 other provisions of state law.

20 Sec. 14.11.070. CONTRACTS WITH SCHOOL DISTRICTS. (a) Where the
21 department determines that it is not feasible for an educational
22 service area to operate schools, including schools on military reserva-
23 tions, the schools shall be operated by contract with an existing city
24 or borough school district.

25 (b) No schools in an educational service area may be operated
26 by contract with a school district which is more than 300 miles from
27 any school in the educational service area.

28 (c) When the schools in an educational service area are operated
29 by contract with a city or borough school district, the educational

1 service area school board shall serve as an advisory board to the school
2 board of the operating district.

3 (d) An educational service area school board for an educational
4 service area in which one or more schools are operated by contract as
5 provided in this section shall be elected and constituted in the same
6 manner as provided for other educational service area boards by this
7 chapter. The powers and duties of an educational service area school
8 board as to schools operated by contract under this section shall be
9 provided for in the operations contract, but shall in no event exceed
10 the powers and duties provided for in AS 14.11.060.

11 Sec. 14.11.080. COMMUNITY EDUCATION COMMITTEES. Any community
12 in an educational service area may form a community education committee
13 to advise the educational service area school board on educational
14 concerns of the community.

15 Sec. 14.11.090. SUPPLIES AND EQUIPMENT. (a) An educational
16 service area board may

17 (1) order, in advance of the school year for which required,
18 necessary supplies and equipment for the educational service area;

19 (2) obligate the funds required for these purchases in
20 advance of the fiscal year for which appropriated or authorized.

21 (b) Nothing in this section may be construed to permit an
22 educational service area board to obligate over 50 per cent of the
23 amount requested by the department to be appropriated or authorized
24 by the legislature for use by the educational service area board.

25 Sec. 14.11.100. BILINGUAL EDUCATION. A school in an educational
26 service area which is attended by at least 15 pupils whose primary
27 language is other than English shall have at least one teacher who
28 is fluent in the native language of the area where the school is
29 located. Written and other educational material, when language is a

1 factor, shall be presented in the language native to the area.

2 * Sec. 2. AS 14.07.085(b) is amended to read:

3 (b) One member shall be appointed from each of the four judicial
4 districts and three from the state at large with at least one member
5 representing educational service area [STATE-OPERATED RURAL] schools.

6 * Sec. 3. AS 14.12.010 is amended to read:

7 Sec. 14.12.010. DISTRICTS OF STATE PUBLIC SCHOOL SYSTEM. The
8 districts of the state public school system are as follows:

9 (1) each first [, SECOND, AND THIRD] class city in the
10 unorganized borough is a city school district;

11 (2) each organized borough is a borough school district;

12 (3) the area outside organized boroughs and city school
13 districts is made up of educational service areas established under
14 AS 14.11 [OUTSIDE FIRST, SECOND, AND THIRD CLASS CITIES IS THE STATE-
15 OPERATED SCHOOL DISTRICT].

16 * Sec. 4. 14.12.020(a) is amended to read:

17 (a) Operation of educational service areas [THE STATE-OPERATED
18 SCHOOL DISTRICT] is under the management and control of the department
19 through the educational service area boards [BOARD OF THE STATE-OPERATED
20 SCHOOLS].

21 * Sec. 5. AS 14.12.020(c) is amended to read:

22 (c) The legislature shall provide to the Department of Education
23 the state money necessary to maintain and operate each educational
24 service area [THE STATE-OPERATED SCHOOL DISTRICT]. The borough
25 assembly for a borough school district, and the city council for a city
26 school district, shall provide the money which must be raised from
27 local sources to maintain and operate the district.

28 * Sec. 6. AS 14.14.090(4) is amended to read:

29 (4) transmit, when required by the assembly or council for

1 school districts or by the department for educational service areas
2 but not more often than once a month, a summary report and statement of
3 money expended;

4 * Sec. 7. AS 14.14.105 is amended to read:

5 Sec. 14.14.105. SICK LEAVE BANK. A local school [DISTRICT]
6 board, or the school board of an educational service area [DIRECTORS OF
7 THE STATE-OPERATED SCHOOL SYSTEM] may establish a sick leave bank to
8 enable a teacher, because of unusual circumstances, to draw not more
9 than twice the number of days of sick leave the teacher has accumulated.
10 The board may establish and administer the sick leave bank independently
11 or jointly with teachers.

12 *Sec. 8. AS 14.14.110 is amended to read:

13 Sec. 14.14.110. COOPERATION WITH OTHER DISTRICTS. When necessary
14 to provide more efficient or more economical educational services,
15 a district or educational service area may cooperate or the department
16 may require a district or educational service area to cooperate with
17 other districts, educational service areas [STATE-OPERATED SCHOOLS], or
18 the Bureau of Indian Affairs in providing educational services or in
19 establishing boarding and tuition arrangements, arrangements for the
20 exchange of pupils or teachers, or other similar arrangements. However,
21 if a cooperative arrangement requires pupils to live away from their
22 usual homes, the school board or educational service area board shall
23 provide classes within the attendance area when there are at least eight
24 children eligible to attend elementary and secondary school in the
25 attendance area.

26 * Sec. 9. AS 14.17.210(a) is amended to read:

27 (a) An educational service area [A STATE] school which becomes a
28 district school is considered an educational service area [A STATE]
29 school for purposes of financial support until the expiration of a

1 complete fiscal year after the date on which the school becomes a
2 district school. This subsection does not prevent a local government
3 from spending money to contribute to the financial support of an
4 educational service area [A STATE] school which becomes a district
5 school.

6 * Sec. 10. AS 14.17.210(c) is amended to read:

7 (c) In this section

8 (1) "educational service area [STATE] school" means a public
9 school in an educational service area [OPERATED BY THE DEPARTMENT OF
10 EDUCATION] and entirely financed by state money; and

11 (2) "district school" means a school which comes under the
12 jurisdiction of a city or borough district.

13 * Sec. 11. AS 14.17.250(3) is amended to read:

14 (3) "district" means any city or borough school district,
15 but does not include schools in educational service areas [THE STATE-
16 OPERATED SCHOOL DISTRICT];

17 * Sec. 12. AS 14.20.175(a) is amended to read:

18 (a) A teacher who has not acquired tenure rights is subject to
19 nonretention for the school year following the expiration of his
20 contract for any cause which the employer determines to be adequate.
21 However, at his request, the teacher is entitled to a written statement
22 of the cause for his nonretention. Each school [THE] board or
23 educational service area board [OF DIRECTORS FOR STATE SCHOOLS, AND THE
24 DISTRICTS FOR DISTRICT SCHOOLS,] shall provide by regulation or bylaw
25 a procedure under which a nonretained teacher may, at his request, be
26 heard informally by [A PANEL CONSISTING OF THE COMMISSIONER AND TWO OR
27 MORE BOARD MEMBERS IN THE CASE OF STATE SCHOOLS, AND BY] the local
28 school board or educational service area board [IN THE CASE OF A
29 DISTRICT SCHOOL].

1 * Sec. 13. AS 14.20.180(b) is amended to read:

2 (b) The tenure teacher may, within 15 days immediately following
3 receipt of the notification, notify the employer in writing that he
4 requests a hearing before the school board [,] or educational service
5 area board [IF THE TENURE TEACHER IS EMPLOYED BY THE STATE, BEFORE AN
6 APPEAL PANEL CONSISTING OF THE DIRECTOR AND TWO MEMBERS OF THE BOARD].

7 The tenure teacher may require in the notification that

8 (1) the hearing be either public or private,

9 (2) the hearing be under oath or affirmation,

10 (3) he have the right of cross-examination,

11 (4) he be represented by counsel,

12 (5) he have the right to subpoena a person who has made
13 allegations which are used as a basis for the decision of the employer.

14 * Sec. 14. AS 14.20.180(c) is amended to read:

15 (c) Upon receipt of the notification requesting a hearing, the
16 employer shall immediately arrange for a hearing, and shall notify the
17 tenure teacher or administrator in writing of the date, time, and place
18 of the hearing. A written transcript, tape, or similar recording of
19 the proceedings shall be kept. Transcribed copies shall be furnished
20 to the tenure teacher for cost upon his request. A final decision of
21 the school board or educational service area board [OR THE APPEAL
22 PANEL] requires a majority vote of the membership. The vote shall be
23 by roll call. The final decision shall be written and contain specific
24 findings of fact and conclusions of law. A written notification of the
25 decision shall be furnished to the tenure teacher within 10 days of the
26 date of the decision.

27 * Sec. 15. AS 14.20.207(2) is amended to read:

28 (2) "employer" means the school board, or educational service
29 area board or superintendent which appoints the teacher [OR, IN THE

1 CASE OF A TEACHER IN THE STATE-OPERATED SCHOOLS, THE BOARD OF DIRECTORS
2 FOR THE STATE-OPERATED SCHOOLS];

3 * Sec. 16. AS 14.20.230 is amended to read:

4 Sec. 14.20.230. ADMINISTRATORS' SALARIES. School boards or
5 educational service area boards [OF DISTRICT SCHOOLS AND THE BOARD OF
6 THE STATE-OPERATED SCHOOLS] shall pay a qualified school administrator
7 a salary not less than the allowable amount for his position on the
8 teachers' scale provided in sec. 220(a) - (c) of this chapter, plus

9 (1) 25 per cent for the chief school administrator of a
10 district with an average daily membership of 500 or more;

11 (2) 20 per cent for the chief school administrator of a
12 district with an ADM of less than 500;

13 (3) 15 per cent for a principal or other administrator;

14 (4) 10 per cent for an assistant principal.

15 * Sec. 17. AS 14.20.310(a)(1) is amended to read:

16 (1) not more than one-half of one per cent of the total
17 number of teachers from all borough and city [SCHOOL DISTRICTS] and
18 educational service area schools [THE STATE-OPERATED SCHOOL DISTRICT]
19 may be on state-supported sabbatical leave in any year;

20 * Sec. 18. AS 14.20.320 is amended to read:

21 Sec. 14.20.320. RESPONSIBILITY OF TEACHER. Upon the return of
22 a teacher to his teaching position, the teacher shall make a report to
23 the governing body concerning his educational accomplishments. A
24 teacher who does not serve for at least a full year after his return
25 shall refund to the district or educational service area board, if the
26 sabbatical leave was at district or educational service area expense,
27 or to the department [BOARD OF STATE-OPERATED SCHOOLS], if the
28 sabbatical leave was state-supported, money paid to him under sec. 310
29 of this chapter unless his failure to serve a full year after return is

1 attributable to sickness, injury or death.

2 * Sec. 19. AS 14.20.550 is amended to read:

3 Sec. 14.20.550. NEGOTIATION WITH CERTIFICATED EMPLOYEES. Each
4 school board, and each educational service area board [THE BOARD OF
5 DIRECTORS FOR THE STATE-OPERATED SCHOOLS], shall negotiate with its
6 certificated employees in good faith on matters pertaining to their
7 employment and the fulfillment of their professional duties.

8 * Sec. 20. AS 14.30.186(b) is amended to read:

9 (c) The board of an educational service area [STATE-OPERATED
10 SCHOOLS] shall provide for special services in a school in the
11 educational service area [STATE-OPERATED SCHOOL DISTRICT] for
12 exceptional children represented by not less than five children residing
13 in the area served by the school.

14 * Sec. 21. AS 14.30.186(d) is amended to read:

15 (d) A school district or an educational service area [A STATE-
16 OPERATED SCHOOL] required by secs. 10 - 305 of this chapter to provide
17 special services for exceptional children may cooperate with one or
18 more school districts or educational service areas [STATE-OPERATED
19 SCHOOLS] in providing special classes. If, under the cooperative
20 agreement, there are no special classes offered within a school district
21 or educational service area [STATE-OPERATED SCHOOL] exceptional children
22 may attend special classes in the cooperating school district or
23 educational service area [STATE-OPERATED SCHOOL] providing the special
24 classes.

25 * Sec. 22. AS 14.30.260 is amended to read:

26 Sec. 14.30.260. EXCEPTION TO QUALIFICATIONS. The school board
27 for a district [,] or educational service area [THE BOARD OF DIRECTORS
28 FOR A SCHOOL IN THE STATE-OPERATED SCHOOL DISTRICT] in which special
29 services are provided [FOR,] may waive part of the qualifications for

1 teachers as set out in sec. 250 of this chapter, if necessary, during
2 the first school year special services are offered in the district or
3 educational service area [IN THE SCHOOL IN THE STATE-OPERATED SCHOOL
4 DISTRICT].

5 * Sec. 23. AS 14.30.285(a) is amended to read:

6 (a) An exceptional child may be sent to another school district or
7 educational service area [,] with the consent of the district [,] or
8 educational service area board [STATE-OPERATED SCHOOL] if the child
9 resides in a district or educational service [SCHOOL ATTENDANCE] area
10 where there is no provision for classes or the special education class
11 is not appropriate for the needs of the child.

12 * Sec. 24. AS 14.30.285(b) is amended to read:

13 (b) If a school board or educational service area [DISTRICT, OR
14 THE STATE DIRECTOR IF A STATE-OPERATED SCHOOL,] approves the enrollment
15 of an exceptional child in another school district or educational
16 service area [STATE-OPERATED SCHOOL APPROVED BY THE STATE DIRECTOR],
17 and the child is enrolled in the institution, the child's education
18 expenses shall be paid for as follows:

19 (1) the school district or educational service area [THE
20 BOARD OF DIRECTORS FOR STATE-OPERATED SCHOOLS] shall pay the receiving
21 district an amount of money equal to the receiving district or
22 educational service area's [DISTRICT'S] local cost per pupil rate;

23 (2) the Department of Education [OR THE BOARD OF DIRECTORS
24 FOR STATE-OPERATED SCHOOLS, RESPECTIVELY,] shall pay the remainder of
25 the annual cost of the child's education, at a school within its
26 jurisdiction, above that provided for in (b)(1) of this section.

27 * Sec. 25. AS 14.30.295(b) is amended to read:

28 (b) If a school district or educational service area [THE
29 STATE DIRECTOR, IF A STATE-OPERATED SCHOOL,] approves the enrollment of

1 an exceptional child in an out-of-state institution approved by the
2 commissioner, and the child is enrolled in the institution, the child's
3 education expenses shall be paid as follows:

4 (1) the school district or educational service area [THE
5 BOARD OF THE STATE-OPERATED SCHOOLS, IF A STATE-OPERATED SCHOOL,] shall
6 pay an amount equal to the local contribution toward the cost of
7 education per pupil;

8 (2) the Department of Education [BOARD OF THE STATE-OPERATED
9 SCHOOLS] shall pay whichever of the following amounts is less, but not
10 to exceed \$6,000;

11 (A) 75 per cent of the annual cost of the child's
12 education; or

13 (B) an amount which, when added to the contribution in
14 (b)(1) of this section, equals the total cost of the child's
15 education;

16 (3) the parent or guardian shall pay the remainder of the
17 cost unless the school board or educational service area board [THE
18 STATE DIRECTOR, IF A STATE-OPERATED SCHOOL,] determines upon the basis
19 of standards set by the commissioner of education in cooperation with
20 the Department of Health and Social Services, that the parent or
21 guardian is unable to pay all or part of the remainder of the cost; the
22 Department of Education [BOARD OF THE STATE-OPERATED SCHOOLS] shall pay
23 the remainder of the cost which the parent or guardian is unable to pay.

24 * Sec. 26. AS 14.33.010 is amended to read:

25 Sec. 14.33.010. REQUIREMENTS FOR SCHOOL SAFETY PATROLS. The
26 [BOARD OF THE STATE-OPERATED SCHOOLS, FOR THE BENEFIT OF SCHOOLS IN THE
27 STATE-OPERATED SCHOOL DISTRICT, OR THE] school board of a borough
28 or city school district or of an educational service area, or a private
29 or denominational school may require that school safety patrols be

1 established to assist pupils to cross streets and highways adjacent
2 to schools in safety.

3 * Sec. 27. AS 14.33.020(a) is amended to read:

4 (a) If [THE STATE DIRECTOR,] a school board, or educational
5 service area board or a private or denominational school determines that
6 a safety patrol should be established for a school, the principal of the
7 school shall appoint pupils in the school to serve as members of the
8 patrol.

9 * Sec. 28. AS 14.52.020(b) is amended to read:

10 (b) It is the intent of the legislature that insofar as the food
11 service and nutrition education programs of city or borough school
12 districts, or of educational service areas [THE STATE-OPERATED SCHOOLS]
13 are affected by this chapter, the directives of this legislation are
14 guidelines; the policies of this chapter are permissive and not
15 mandatory.

16 * Sec. 29. AS 14.60.010(5) is amended to read:

17 (5) "governing body" means the school board of a borough
18 or city school district or the board of an educational service area
19 [DIRECTORS FOR THE STATE-OPERATED SCHOOL DISTRICT];

20 * Sec. 30. AS 14.60.010(6) is amended to read:

21 (6) "school board" means the school board of a borough or
22 city school district or the board of an educational service area
23 [DIRECTORS OF THE STATE-OPERATED SCHOOL DISTRICT];

24 * Sec. 31. The ownership of land and buildings used in relation to
25 educational service areas shall remain vested in the state, and use permits
26 may be issued to the various educational service areas. Construction
27 required on land and buildings used in relation to educational service
28 areas shall be performed by the Department of Public Works.

29 * Sec. 32. Appropriations, records, equipment, and other assets of the

1 state-operated school system are transferred to the department for redistri-
2 bution to the educational service areas in a manner determined by the
3 department. Appropriations and other money available and to become available
4 to a school or area in the state-operated school district shall be available
5 for the objects and purposes for which appropriated or otherwise made
6 available, subject to terms, restrictions, limitations or other requirements
7 imposed by this section or state or federal law. The financial liabilities
8 of the state-operated school system not assumed by the department or an
9 educational service area shall be assumed by the general fund of the state.
10 All litigation, hearings, investigations, and other proceedings (except teach-
11 er negotiations) which may be transferred by this Act, remain in effect and
12 may be continued and completed notwithstanding a transfer or amendment
13 provided for in this Act. Certificates, orders, rules or regulations issued
14 or filed under authority of a law amended or repealed by this Act or
15 functions which may be transferred by this Act, remain in effect for the
16 term issued, until revoked, modified, or vacated under the provisions of
17 this Act. All contracts or other vested obligations created by a law amended
18 or repealed by this Act or by virtue of functions which may be transferred by
19 this Act, and in effect on the effective date of this Act, remain in effect
20 unless revoked, modified, or vacated under the provisions of this Act.

21 * Sec. 33. AS 14.07.050 - 14.07.055, 14.08, 14.14.170 - 14.14.200,
22 14.14.310, 14.60.010(7) and (8) and 39.05.060(8) are repealed.

23 * Sec. 34. Section 1 of this Act takes effect on the day after its
24 passage and approval or on the day it becomes law without approval.

25 * Sec. 35. Sections 2 - 33 of this Act take effect on July 1, 1973.
26
27
28
29

Original sponsor: Health, Education and
Social Services Committee

Offered: 3/17/73
Referred: Finance

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 192

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public education on military bases
7 in Alaska; and providing for an effective date."

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

9 * Section 1. AS 14 is amended by adding a new chapter to read:

10 CHAPTER 11. MILITARY EDUCATIONAL SERVICE AREAS.

11 Sec. 14.11.005. PURPOSE. It is the purpose of this chapter in
12 establishing military educational service areas to provide for public
13 education on military bases in the unorganized borough and to encourage
14 maximum public participation in the state's public education system.

15 Sec. 14.11.010. ESTABLISHMENT OF MILITARY EDUCATIONAL SERVICE
16 AREAS. The military portions of the unorganized borough shall be
17 divided into military educational service areas corresponding to exist-
18 ing military base boundaries.

19 Sec. 14.11.020. MILITARY EDUCATIONAL SERVICE AREA BOARDS. Each
20 military educational service area shall have an area school board which
21 shall consist of five, seven, or nine members. The initial size of the
22 area school board shall be determined by the department at the time that
23 the educational service area is established. However, the qualified
24 voters in an educational service area may increase or decrease the
25 number of area board members by placing the question on the ballot at
26 a regular election or a special election at least 90 days before a regu-
27 lar election in the manner prescribed by law.

28 Sec. 14.11.030. MILITARY EDUCATIONAL SERVICE AREA SCHOOL BOARD
29 TERMS. (a) The term of office of a military educational service area

1 school board member is three years and until a successor takes office.
2 However, members of a newly created five-member military educational
3 service area school board hold office for initial terms as follows:
4 two for a term of three years, two for a term of two years, and one
5 for a term of one year. The members of a newly created seven-member
6 military educational service area school board hold office for initial
7 terms as follows: three for a term of three years, two for a term of
8 two years, and two for a term of one year. The members of a newly
9 created nine-member military educational service area school board hold
10 office for initial terms as follows: three members each for terms of
11 three, two, and one years. Terms are assigned to new members by lot.

12 (b) When a transition occurs increasing the size of a military
13 educational service area school board, the length of terms of office of
14 the new members shall be assigned by lot so as to create a seven or
15 nine man board constituted as provided in (a) of this section.

16 (c) When a transition occurs decreasing the size of a military
17 educational service area school board to five or seven, all terms of
18 office end as of the next military educational service area school
19 board election and the newly elected board shall constitute itself as
20 provided in (a) of this section.

21 (d) Nothing in this section prevents a military educational service
22 area school board member from succeeding himself.

23 Sec. 14.11.040. TRANSITION. The transition from one size mili-
24 tary educational service area school board to another size shall be
25 made at the regular election following the vote to alter the size of
26 the military educational service area school board.

27 Sec. 14.11.050. QUALIFICATIONS, OATH, VACANCIES, ETC. The
28 eligibility to be a military educational service area school board
29 member, oath of office, method of filling vacancies, and limitation

1 of liability of a member are all governed by the provisions of AS 14.-
2 20.070 - 14.20.090 and AS 14.12.120. Membership on the military
3 educational service area school board does not constitute a civil
4 office.

5 Sec. 14.11.060. POWERS AND DUTIES. A military educational service
6 area board has the same powers and duties as a city or borough district
7 school board under AS 14.14.020, 14.14.050, 14.14.070 - 14.14.160 and
8 14.14.250 - 14.14.300 except as provided otherwise by this chapter or
9 other provisions of state law. The military educational service area
10 board may operate schools itself or may choose to contract for the
11 operation of its schools with an adjacent city or borough school dis-
12 trict.

13 Sec. 14.11.080. SUPPLIES AND EQUIPMENT. (a) A military educa-
14 tional service area board may

15 (1) order, in advance of the school year for which required,
16 necessary supplies and equipment for the educational service area;

17 (2) obligate the funds required for these purchases in
18 advance of the fiscal year for which appropriated or authorized.

19 (b) Nothing in this section may be construed to permit a military
20 educational service area board to obligate over 50 per cent of the
21 amount requested by the department to be appropriated or authorized
22 by the legislature for use by the military educational service area
23 board.

24 * Sec. 2. AS 14.12.010 is repealed and re-enacted to read:

25 Sec. 14.12.010. DISTRICTS OF STATE PUBLIC SCHOOL SYSTEM. The
26 districts of the state public school system are as follows:

27 (1) each first class city in the unorganized borough is a
28 city school district;

29 (2) each organized borough is a borough school district;

1 (3) each military base is a military educational service
2 area;

3 (4) the area outside organized boroughs, city school dis-
4 tricts and military educational service areas is the rural state-
5 operated school district.

6 * Sec. 3. AS 14.12.020(a) is amended to read:

7 (a) Operation of military educational service areas [THE STATE-
8 OPERATED SCHOOL DISTRICT] is under the management and control of the
9 department through the military educational service area boards [BOARD
10 OF THE STATE-OPERATED SCHOOLS].

11 * Sec. 4. AS 14.12.020(c) is repealed and re-enacted to read:

12 (c) The legislature shall provide to the Department of Education
13 the state money necessary to maintain and operate each military educa-
14 tional service area. The legislature shall provide the money necessary
15 to maintain and operate the rural state-operated school district. The
16 borough assembly for a borough school district, and the city council
17 for a city school district, shall provide the money which must be raised
18 from local sources to maintain and operate the district.

19 * Sec. 5. AS 14.14.090(4) is amended to read:

20 (4) transmit, when required by the assembly or council for
21 school districts or by the department for military educational service
22 areas but not more often than once a month, a summary report and state-
23 ment of money expended;

24 * Sec. 6. AS 14.14.105 is amended to read:

25 Sec. 14.14.105. SICK LEAVE BANK. A local school [DISTRICT]
26 board, or the school board of a military educational service area or the
27 directors of the rural state-operated school system may establish a
28 sick leave bank to enable a teacher, because of unusual circumstances,
29 to draw not more than twice the number of days of sick leave the teacher

1 has accumulated. The board may establish and administer the sick
2 leave bank independently or jointly with teachers.

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4 Sec. 14.14.110. COOPERATION WITH OTHER DISTRICTS. When necessary
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6 a district or military educational service area may cooperate or the
7 department may require a district or military educational service area
8 to cooperate with other districts, military educational service areas,
9 the rural state-operated schools, or the Bureau of Indian Affairs in
10 providing educational services or in establishing boarding and tuition
11 arrangements, arrangements for the exchange of pupils or teachers, or
12 other similar arrangements. However, if a cooperative arrangement
13 requires pupils to live away from their usual homes, the school board
14 or military educational service area board or rural state-operated
15 school district shall provide classes within the attendance area when
16 there are at least eight children eligible to attend elementary and
17 secondary school in the attendance area.

18 * Sec. 8. AS 14.17.210(c) is amended to read:

19 (c) In this section.

20 (1) "military educational service area [STATE] school" means
21 a public school in a military educational service area [OPERATED BY THE
22 DEPARTMENT OF EDUCATION AND] entirely financed by state money; and

23 (2) "district school" means a school which comes under the
24 jurisdiction of a city or borough district.

25 * Sec. 9. AS 14.17.250(3) is amended to read:

26 (3) "district" means any city or borough school district,
27 but does not include schools in military educational service areas or
28 the rural state-operated school district [THE STATE-OPERATED SCHOOL
29 DISTRICT];

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2 (a) A teacher who has not acquired tenure rights is subject to
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5 However, at his request, the teacher is entitled to a written statement
6 of the cause for his nonretention. Each school [THE] board or military
7 educational service area board or board of directors for rural state-
8 operated schools, and the districts for district schools, shall provide
9 by regulation or bylaw a procedure under which a nonretained teacher
10 may, at his request, be heard informally by [A PANEL CONSISTING OF THE
11 COMMISSIONER AND TWO OR MORE BOARD MEMBERS IN THE CASE OF STATE SCHOOLS,
12 AND BY] the local school board or military educational service area
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18 service area board [IF THE TENURE TEACHER IS EMPLOYED BY THE STATE,
19 BEFORE AN APPEAL PANEL CONSISTING OF THE DIRECTOR AND TWO MEMBERS OF THE
20 BOARD]. The tenure teacher may require in the notification that
21 (1) the hearing be either public or private,
22 (2) the hearing be under oath or affirmation,
23 (3) he have the right of cross-examination,
24 (4) he be represented by counsel,
25 (5) he have the right to subpoena a person who has made
26 allegations which are used as a basis for the decision of the employer.

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28 (c) Upon receipt of the notification requesting a hearing, the
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2 of the hearing. A written transcript, tape, or similar recording of
3 the proceedings shall be kept. Transcribed copies shall be furnished
4 to the tenure teacher for cost upon his request. A final decision of
5 the school board or military educational service area board [OR THE
6 APPEAL PANEL] requires a majority vote of the membership. The vote
7 shall be by roll call. The final decision shall be written and con-
8 tain specific findings of fact and conclusions of law. A written noti-
9 fication of the decision shall be furnished to the tenure teacher within
10 10 days of the date of the decision.

11 * Sec. 13. AS 14.20.207(2) is amended to read:

12 (2) "employer" means the school board, or military educa-
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14 or, in the case of a teacher in the rural state operated schools, the
15 board of directors for the rural state-operated schools;

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20 administrator a salary not less than the allowable amount for his posi-
21 tion on the teachers' scale provided in sec. 220(a) - (c) of this
22 chapter, plus

23 (1) 25 per cent for the chief school administrator of a
24 district with an average daily membership of 500 or more;

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26 district with an ADM of less than 500;

27 (3) 15 per cent for a principal or other administrator;

28 (4) 10 per cent for an assistant principal.

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2 number of teachers from all borough and city, military educational
3 service area schools and the rural state-operated school district may
4 be on state-supported sabbatical leave in any year;

5 * Sec. 16. AS 14.20.320 is amended to read:

6 Sec. 14.20.320. RESPONSIBILITY OF TEACHER. Upon the return of
7 a teacher to his teaching position, the teacher shall make a report to
8 the governing body concerning his educational accomplishments. A
9 teacher who does not serve for at least a full year after his return
10 shall refund to the district or military educational service area board,
11 if the sabbatical leave was at district or military educational service
12 area expense, or to the board of rural state-operated schools, if the
13 sabbatical leave was state-supported, money paid to him under sec. 310
14 of this chapter unless his failure to serve a full year after return
15 is attributable to sickness, injury or death.

16 * Sec. 17. AS 14.20.550 is repealed and re-enacted to read:

17 Sec. 14.20.550. NEGOTIATION WITH CERTIFICATED EMPLOYEES. Each
18 school board, each military educational service area board and the
19 board of directors for the rural state-operated schools, shall negoti-
20 ate with its certificated employees in good faith on matters pertaining
21 to their employment and the fulfillment of their professional duties.

22 * Sec. 18. AS 14.30.186(b) is amended to read:

23 (b) The board of a military educational service area and the
24 directors of rural state-operated schools shall provide for special
25 services in a school in the military educational service area and rural
26 state-operated school district for exceptional children represented
27 by not less than five children residing in the area served by the
28 school.

29 * Sec. 19. AS 14.30.186(d) is repealed and re-enacted to read:

1 (d) A school district, military educational service area or rural
2 state-operated school required by secs. 10 - 305 of this chapter to
3 provide special services for exceptional children may cooperate with
4 one or more school districts, military educational service areas or
5 rural state-operated schools in providing special classes. If, under
6 the cooperative agreement, there are no special classes offered within
7 a school district, military educational service area or rural state-
8 operated school, exceptional children may attend special classes in the
9 cooperating school district, military educational service area or
10 rural state-operated school providing the special classes.

11 * Sec. 20. AS 14.30.260 is repealed and re-enacted to read:

12 Sec. 14.30.260. EXCEPTION TO QUALIFICATIONS. The school board
13 for a district, military educational service area or the board of direc-
14 tors for a school in the rural state-operated school district in which
15 special services are provided may waive part of the qualifications for
16 teachers as set out in sec. 250 of this chapter, if necessary, during
17 the first school year special services are offered in the district,
18 military educational service area or in the school of the rural state-
19 operated school district.

20 * Sec. 21. AS 14.30.285(a) is repealed and re-enacted to read:

21 (a) An exceptional child may be sent to another school district,
22 military educational service area or rural state-operated school with
23 the consent of the district, military educational service area board
24 or rural state-operated school if the child resides in a school atten-
25 dance area where there is no provision for classes or the special
26 education class is not appropriate for the needs of the child.

27 * Sec. 22. AS 14.30.285(b) is repealed and re-enacted to read:

28 (b) If a school board or military educational service area board
29 or the state director of rural state-operated schools approves the