

ATKINS CONSULTANTS
7199-COASTAL

3214 THESS - HB 92 - HB 114

By limiting jurisdiction in the forum state exclusively to enforcement, this Act follows the example of the Uniform Child Custody Jurisdiction Act and the Parental Kidnapping Prevention Act of 1980. Under these statutes a state may have authority to enforce a custody decree but none to modify it. UCCJA and comments; 28 U.S.C. §1738A(a). Modification authority, if any, is independent of enforcement authority and must be based upon specified jurisdictional grounds. UCCJA 14; 28 U.S.C. §1738A(f)7-

In addition to mistakes of fact, three other defenses are permitted under this act. Subsections (b)(2)-(4). These include two collateral attacks on the original judgment which could even be raised in the state which issued the original order if it sought to enforce it. These attacks include charges that the court which issued the original support order lacked jurisdiction (if this had not been previously litigated), or that there was fraud in the procurement of the judgment. See, Griffin v. Griffin, 327 U.S. 220 (1945); Scoles and Hay, Conflicts of Law §24.14 (1982); Leflar, American Conflicts of Law 157 (1977); Restatement (Second), Conflicts of Law §105 (1971). Fraud in the procurement of the support order refers to fraud in the actual obtaining of the order, e.g., the defendant was lured into the jurisdiction in order to obtain personal jurisdiction. The third defense concerns the statute of limitation. See Section 12(c) for choice of law provision pertaining to statute of limitations.

If the obligor meets his burden of proof, it may be necessary to obtain additional evidence in order to resolve the dispute. Subsections (c)-(g) offer means of proving a case without requiring the obligee or other witnesses to travel to the forum state. Subsections (c)-(e) apply when income withholding is being sought in the enacting state; sections (f)-(g) apply when the enacting state is seeking withholding elsewhere. The most common method of presenting evidence, without live courtroom testimony, is by deposition or interrogatory. These sections should augment existing state rules of civil procedure which address out-of-state evidence. For example, many states have adopted the Federal Rule of Civil Procedure 32(a)(3), which permits offering a deposition as evidence at a trial if the court finds that "the witness is at a greater distance than 100 miles from the place of trial or hearing." Many of these provisions are similar to those set forth in the Uniform Child Custody Jurisdiction Act, sections 18-20; therefore state experience under this Uniform Act in adducing evidence across state lines should be instructive. For a description of these techniques see Hoff, P., Schulman, J., and Volenik, A., Interstate Child Custody Disputes and Parental Kidnapping: Policy, Practice and Law, ch. 7 (1982).

Under subsection (c), an obligee may request that the case be continued for the purpose of submitting additional evidence should the obligor fully or partially meet his burden of proof. Income withholding must commence, however, where the right to such withholding is not in dispute, but only the extent of arrearages remains in controversy. This will occur when there is proof that an arrearage sufficient to trigger income withholding exists, but the full amount of arrearages is in dispute. In this scenario, withholding to cover current support and uncontested arrearages will commence. A subsequent hearing will be held to settle the dispute and the original withholding notice to the employer will be modified, if necessary. Subsection (d) addresses methods of collecting evidence, such as interrogatories, depositions, and court appearances live or by telephone. While it may be necessary to continue the case while such evidence is being obtained, these devices are also available for use at the initial hearing. Provisions for notifying the obligee of this first hearing (sections 2, 4(b)) should encourage this result.

SECTION 6. INCOME WITHHOLDING [ORDER/NOTICE]

If the obligor does not request a hearing in the time provided, or if a hearing is held and it is determined that the obligee has or is entitled to income withholding under the local law of the jurisdiction which issued the support order, the [agency] [court] shall issue an income withholding [order/notice] under section [cite to state's regular income withholding provision for notice to obligor of withholding decision]. The [agency] shall notify the requesting agency [or person] of the date upon which withholding will begin.

SECTION 7. NOTICE TO [EMPLOYER/PAYOR] AND OTHER PROVISIONS

The provisions of sections [governing this state's income withholding notice to the employer, penalties and sanctions against noncomplying employers, employer fees, protections against employer retaliation, payment directions, ability to issue a single check, etc.] apply to income withholding based on a support order of another jurisdiction entered under this Act.

COMMENT

These sections incorporate the state's own provisions for issuing an income withholding notice or order to the employer and for other employer-related matters. The latter include

requirements of the Child Support Enforcement Amendments of 1984, such as: contents of the notice to the employer, employer fees, payment mechanisms, and liability of employers who fail to withhold wages or who take adverse job action against an employee who is subject to wage withholding. The agency in the forum state must notify the requesting agency or person of the date on which withholding will begin.

Under section 7 the state will use its regular procedures to notify the employer or other payor of income that support payments must be withheld. The employer will treat the order or notice exactly like any other withholding order or notice. In fact, because of statutory limits on the content of the notice to the employer, the employer probably will not even know the withholding is based on a sister state order. See Social Security Act §466(b)(6)(A)(ii), 42 U.S.C. §666(b)(6)(A)(ii). For that reason, states will probably choose to require payment through the state agency in cases initiated by private counsel or pro se as well as in agency cases.

The language in section 6, "entitled to income withholding under the local law of the jurisdiction which issued the support order," refers to the triggering event in the original state, i.e., whether the amount of arrearages satisfies the requirement for income withholding under the law of the state that originally issued the support order. See also section 11 (b)(2).

SECTION 8. DISTRIBUTION OF COLLECTED SUPPORT PAYMENTS

(a) The income withholding [order/notice] shall direct payment to be made to [agency]. The [agency] shall promptly transmit payments received pursuant to an income withholding [order/notice] based on a support order of another jurisdiction entered under this Act to the agency or person designated in section 3(b)(5)(c).

(b) A support order entered pursuant to section 3 does not nullify and is not nullified by a support order made by a court of this state pursuant to any other law or by a support order made by a court of any other state. Amounts collected by any withholding of income shall be credited against the amounts accruing or accrued for any period under any support orders issued either by this state or by a sister state.

COMMENT

Income withheld under this Act is to be paid to the income withholding agency of the forum state, which in turn will

forward it to the requesting agency or person. If the forum state uses a different entity such as a private agency or bank to collect and disburse such funds, as allowed under the Child Support Enforcement Amendments of 1984, Social Security Act §466(b)(5), 42 U.S.C. §666(b)(5), this entity should also collect and disburse funds withheld in interstate cases under this Act.

Entry of a support order for withholding purposes under this Act does not nullify any other support order which may exist - whether issued by the forum state or another state. When two or more orders exist for the support of one child by an absent parent, any amount collected will be credited against both orders. Such a situation may exist, for example, if there is both an original support order and a subsequent URS order. Amounts withheld are to be credited against both orders.

SECTION 9. CHANGES

(a) Changes in original order: The [agency], upon receiving a certified copy of any amendment or modification to a support order entered pursuant to section 3, shall initiate, as though it was a support order of this state, necessary procedures to amend or modify the income withholding [order/notice] of this state which was based upon the entered support order. [The court shall amend or modify the income withholding [order/notice] to conform to the modified support order.]

(b) Changes in jurisdiction: If the [agency] determines that the obligor has obtained employment in another state or has a new or additional source of income in another state, it shall notify the agency which requested the income withholding of the changes within five working days of receiving that information and shall forward to that agency all information it has or can obtain with respect to the obligor's new address and the name and address of the obligor's new employer or other source of income. The [agency] shall include with the notice a certified copy of the income withholding [order/notice] in effect in this state.

COMMENT

Subsection (a) assures that in the event a support order entered in the forum state is modified in another state, the forum state will take the necessary steps to modify the amounts withheld accordingly. The last sentence, in brackets, applies in states which use the judicial system to impose income withholding. The obligation of an agency to notify a sister

state agency of any change to a support order being enforced in the sister state may be found in section 2.

Under subsection (b), an agency in the forum state must notify the requesting agency when the obligor's source of income has shifted to yet another state. This presumes that when there has merely been a shift of a source of income within the state, e.g., if the obligor gets a new job, the state agency will take necessary steps, as it would with any other in state income withholding case, to obtain withholding against the new source of income within the state. Some states have facilitated the task of identifying new income by requiring employers to notify the agency of any change in the obligor/employee's status, including the name and address of a new employer, if known. N.D. Cent. Code §§14-09-09.1(6). The proposed federal regulations implementing the 1984 Amendments require that states impose an obligation on the employer to provide this information to the state. 49 Fed. Reg. 36803 (Sept. 19, 1984) 45 C.F.R. §302.100(d)(2). States should specifically provide that income withholding orders will apply against successor employers.

SECTION 10. VOLUNTARY INCOME WITHHOLDING

Any person who is the obligor on a support order of another jurisdiction may obtain voluntary income withholding by filing with the [agency] [court] a request for such withholding and a certified copy of the support order of a sister state. The [agency] [court] shall issue an income withholding [order/notice] under section [regular voluntary income withholding section]. Payment shall be made to the [agency].

COMMENT

The Child Support Enforcement Amendments of 1984 require states to withhold income upon the absent parent's request. This section allows such voluntary withholding when the underlying support order is from another state.

SECTION 11. CHOICE OF LAW

(a) The local law of this state shall apply in all actions and proceedings concerning the issuance, enforcement and duration of income withholding [orders/notices] issued by a [court] [agency] of this state, which is based upon a support order of another jurisdiction entered pursuant to section 3, except as provided in subsections (b) and (c).

(b) The local law of the jurisdiction which issued the support order shall govern the following:

- (1) the interpretation of the support order entered under section 3, including amount, form of payment, and the duration of support;
- (2) the amount of support arrearages necessary to require the issuance of an income withholding [order/notice].
- (3) the definition of what costs, in addition to the periodic support obligation, are included as arrearages which are enforceable by income withholding, including but not limited to interest, attorney's fees, court costs, and costs of paternity testing.

(c) The [court] [agency] shall apply the statute of limitations for maintaining an action on arrearages of support payments of either the local law of this state or of the state which issued the support order entered under this Act, whichever is longer.

COMMENT

In keeping with a major principle of this Act -- that the forum state's regular income withholding laws and procedures be applied to the greatest extent possible -- most choice of law questions are resolved in favor of the local law of the forum, making it simpler for decision-makers to apply this Act.

Only three issues must be determined by the law of the state which issued the order. First are the questions of the interpretation of the original support order including questions about the amount and form of payments and the duration of the order. For example, the law of the state issuing the order would determine the meaning of the term "minor child" as used in an order, whether support may continue beyond the age of majority for a college student or whether in-kind payments would be credited against the support obligations. The law of the state which issued the original order determines the amount of support arrearages necessary to require the commencement of withholding. This should pose no problem as a request should not be made until this condition is met and a copy of the section of the state's withholding law containing this condition should be included with the request. Third, the law of the state which issued the support order determines what items are included as arrearages which may be

enforced by income withholding. These could include interest on late payments, attorneys' fees or costs of paternity determination, for example.

Under subsection (c), the forum state must use the statute of limitations of whichever state is longer. This allows maximum time for enforcement. This subsection combines two acceptable choice-of-law practices by joining them in the alternative: first, a state may "borrow" a sister state's statute of limitations period and second, a state may apply its own limitations period to enforce sister state judgments. Restatement (Second) Conflicts of Law §118(2)(1971).

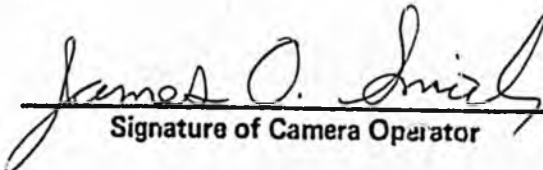
This rule should not be difficult for local judges. Under general conflicts of laws principles a judge may assume that the law of the state whose support order is being considered is the same as the law of the forum until one of the parties demonstrates otherwise. Obviously, it would be in the interest of the requesting state to submit an appropriate reference to the case and statutory law of the state which issued the order when a question is raised.

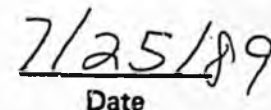
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Date

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96

COMMITTEE REPORT
HOUSE

FURTHER:

(7)

2/6/85

Date:

Feb 18 1985

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had HB 96

"An Act relating to the applicability of the scholarship loan program to students attending more than one postsecondary educational institution; and providing for an effective date."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

McF. Greenberg
[Signature]
Kate Sturley
Adrian L. Taylor
David W. Thompson
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

[Signature]
Co-Chair



Alaska State Legislature
House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

OFFICIAL BUSINESS

POUCHV
JUNEAU, AK 99811
465-3759

TO: Members of the House HESS Committee
FROM: Deborah Niedermeyer, Committee Aide
DATE: 18 February, 1985
RE: HB 96, Student Loans

The Problem

To be eligible for an Alaska Student Loan, a undergraduate must take at least 12 credits. Statute requires that all of the credits be at a single institution unless there is a "consortium agreement" between the two institutions. University of Alaska, Fairbanks and Tanana Valley Community College have no such agreement. Thus, students taking a total of 12 credits at both the UAF and TVCC may be denied a student loan because no consortium agreement is in effect. Last year, students attending both the University of Alaska, Anchorage and Matanuska-Susitna Community College were in the same situation, but these institutions have since signed a consortium agreement.

History

In February, 1983, Rep. Mike Davis introduced HB 174 which would have made full time students enrolled in more than one institution eligible for student loans.

Although the bill was generally supported, the state's postsecondary administrators pointed out that since the bill allowed students to enroll in numerous institutions, no one college or university would be responsible for the students' transcripts. They also noted that filling out loan paperwork for a student enrolled in several institutions, (some perhaps through correspondance), would cause serious administrative difficulties. To reduce these problems, the institutions proposed that students be required to take 75% of their credits at a single institution, which would then take responsibility for the student's transcripts.

HB 174 died in committee.

In 1984, the Alaska Postsecondary Commission issued a regulation requiring students attending more than one college to take 75% of their credits at the degree-granting institution. This alleviates the concerns of administrators.

HB 96 and SB 17

HB 96 by Davis and SB 17 by Kerttula are identical. The bills delete the requirement that institutions sign a consortium agreement before students can qualify as full time by combining credits from both institutions. Passage of these bills would solve the loan problem encountered by students enrolled in two institutions, without placing a serious administrative burden on the institutions. The bills have zero fiscal notes and are supported by the Postsecondary Commission.

In the packet provided by Rep. Davis

- A copy of HB 96
- Position paper on HB 17 from the Alaska Postsecondary Commission
- Zero fiscal note for HB 96
- Memorandum on HB 96 from Rep. Mike Davis
- Memorandum on SB 17 from Senator Kerttula's office
- Zero fiscal note for SB 17
- Copy of SB 17
- Copy of regulation requiring student loans recipients enrolled in more than one institution to take 75% of their credits at the degree-granting institution
- AS 14.43.160 defining "full time student"
- AS 14.42.055 regarding academic consortia
- 1983 memorandum from Rep. Davis on HB 174
- Copy of 1983 HB 174
- Zero fiscal note for HB 174
- Correspondance to and from Kathleen Smoyer who, in 1983, was denied a student loan because her credits were split between UAF and TVCC
- 1983 letters of support for HB 174 from:
 - Rodney Enos, President of TVCC
 - Richard S. Lee, Dean of Juneau-Douglas Community College
 - Dianne Schmitt, Financial Aid Officer at Univeristy of Alaska, Juneau Anchorage Community College
 - Alaska Statewide Student Association
- 1983 letters expressing concern about the administrative difficulties which might be created by HB 174 from:
 - Carol M. Thompson, University of Alaska, Fairbanks Financial Aid Advisor
 - Carol Thompson and Ida Greiner
- Student Loan information sheet from University of Alaska, Fairbanks explaining that courses from other institutions can not be counted toward full-time student status at UAF

Register , 1984

MISCELLANEOUS
BOARDS AND COMMISSIONS

20 AAC 15.040
20 AAC 15.060

20 AAC 15.040 is amended by adding new subsections to read:

(m) A borrower in a flight school program must hold, as a prerequisite for eligibility, a valid private pilot's certificate.

~~***~~ → (n) A borrower may be enrolled in more than one institution, but must be enrolled for at least 75% of the full-time student requirement in the degree-granting institution for which the loan is obtained. The combined total of these multiple enrollments must be equivalent to at least full-time enrollment. (Eff. 2/3/77, Register 61; am 5/10/78, Register 66; am 12/7/80, Register 76; am 7/9/82, Register 83; am 11/19/83, Register 88; am / / , Register).

Authority: AS 14.43.105
AS 14.43.120
AS 14.43.140

20 AAC 15.045 (c) i added to read:

(c) Before delivering the warrant to the borrower, the financial aid officer shall certify, on a form to be provided by the commission, that the borrower is a full-time student in good standing at the institution. If the full-time status is the result of attendance at more than one institution, the certifying institution must certify full-time and good standing status for the multiple enrollments. (Eff. 2/3/77, Register 61; am 12/7/80, Register 76; am 7/9/82, Register 83; am 11/19/83, Register 88; am / / , Register).

Authority: AS 14.43.105

(a), (b), (c) and (g)
20 AAC 15.060 is amended to read:

20 AAC 15.060. STATE FORGIVENESS PAYMENTS. (a) Under AS 14.43.120(j), a recipient of a loan is eligible to have up to 50 percent of the total loan and accrued interest paid by the state if the borrower continues Alaskan residency after the successful completion of the course of study for which the loan was granted, and is awarded an appropriate degree, diploma or certificate, and remains, except for brief periods, in the state during the period for which forgiveness is claimed.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 17
 Title: Re: Scholarship loans to students
 Sponsor: Kerttula
 Requestor: Senate Hess
 Date of Request: 1/16/85

FISCAL DETAIL

Agency Affected: Education
 Program Category Affected: Postsecondary Commission
 BRU, Program or Subprogram(s) Affected: Student Loan Program

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
500 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	N.A.	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND	N.A.	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	N.A.	-0-	-0-	-0-	-0-	-0-

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME	N.A.	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

No fiscal impact is associated with this bill

Prepared By: Kerry D. Rome Phone: 465-2854
 Division: Alaska Commission on Postsecondary Education Date: _____

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

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

7/1/84

from Kerttula's office

Anclia
SB 17

My Draft

In defining 'fulltime student' for the purposes of student loan eligibility, present statute necessitates that if the required minimum number of credits earned in one semester come from more than one institution, the schools must have a "consortium" agreement. The original intention of this stipulation was to protect the integrity of degree programs.

According to Kerry Romesberg, the consortium requirement has allowed some institutions to deny credit and credit transfers to students, inspite of their legitimacy toward a degree program, and by doing so discourage the use of their institution for those not earning a degree with the school.

The Postsecondary Commission recently adopted the federal "75%" standard, [20 AAC 15.040], which requires that "before a borrower may be enrolled in more than one institution, [he/she] must be enrolled for at least 75% of the full-time student requirement in the degree-granting institution for which the loan is obtained." A minimum of 12 credits per semester must be earned, 75% of which must come from the primary institution. As point of clarification, student loan warrants are made payable to the institution, in the student's name.

With the regulation in effect, the student is guaranteed access to acquiring credits in other institutions without the threat of losing loan eligibility status. Benefits to the institution are in knowing that the integrity of their degree program is protected and in being assured of who is responsible for maintaining the student's academic records.

Since students will know beforehand whether or not credits earned elsewhere will be accepted as part of their degree program, the "consortium" requirement is moot.

Similar legislation was introduced last year, passed the Senate and was incorporated in the House version. It died at the end of session.

The Postsecondary Commission on Education; the University of Alaska; Anchorage, Fairbanks and Juneau; and, the Community Colleges support the legislation.



Alaska State Legislature

Representative Mike Davis

Pouch V
Juneau, Alaska 99811
(907) 465-4930/4941

Interim Office:
P.O. Box 81435
Fairbanks, Alaska 99708

House Bill 96

February 4, 1985

A student must be enrolled full-time in order to be eligible for a student loan. A student may attend more than one institution and aggregate the credit hours in order to attain full-time status, but under existing law this aggregation of credits can occur only if there is a consortium agreement between the institutions. House Bill 96 would remove this consortium requirement.

The need for such legislation came to my attention two years ago, when I received a letter from a woman who was taking an aggregate of 14 credits at the University of Alaska and Tanana Valley Community College. Although the woman was an Alaskan resident and in good academic standing, she was unable to qualify for a student loan because a consortium agreement did not exist between the two institutions at that time.

Although consortium agreements do presently exist between neighboring universities and colleges throughout Alaska, the passage of HB 96 would preclude students from not being able to aggregate credits in the event that a consortium agreement is rescinded, or a new institution is created which does not wish to sign such an agreement.

ALASKA COMMISSION ON POSTSECONDARY EDUCATION

POSITION STATEMENT ON SB 17

Summary: To qualify for a student loan, a student must enroll full time, that is at least 12 credit hours each term for undergraduate students, and at least nine credit hours each term for graduate students. If a student wishes to enroll in more than one institution and aggregate the credit hours to be full time, the current statute requires that there be a consortium agreement between the institutions.

SB 17 removes the requirement for a formal consortium agreement.

Impact: The result would be negligible. The bill was introduced a year ago in response to problems student loan applicants were incurring when they tried to enroll in both the University of Alaska, Anchorage and Matanuska-Susitna Community College. Since there was no formal consortial agreement, UAA officials would not release loans for these students.

As of January 11, 1985, Matanuska-Susitna Community College and UAA have a consortium agreement. Hence, the problem at which this bill was directed, has been solved.

The bill will not result in students enrolling in a wide variety of institutions and, in effect, getting around program good-standing requirements, because program regulations already exist to address such a situation. (20 AAC 15.040(n) and 20 AAC 15.045(c)). Therefore, the bill successfully removes some unnecessary language in the current statutes and has little program effect.

There is no fiscal impact of the bill.

Position: The Alaska Commission on Postsecondary Education endorses the passage of SB 17.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 96
 Title: Loans for Students Attending More Than One School
 Sponsor: Davis, et al.
 Requestor: House Loan Committee
 Date of Request: 2/1/85

FISCAL DETAIL

Agency Affected: Education
 Program Category Affected: Postsecondary Education Commission
 BRU, Program or Subprogram(s) Affected: Student Loan Program

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	N.A.	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	N.A.	-0-	-0-	-0-	-0-	-0-
FEDERAL FUND						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

There is no fiscal impact of this bill.

Prepared By: Kerry D. Randsburg
 Division: Alaska Commission on Postsecondary Education
 Approved by Commissioner: _____
 Agency: _____

Phone: 465-2854
 Date: 2/1/85

Date: _____

Distribution (by Agency preparing fiscal note):

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

7/1/84

1 IN THE SENATE

BY KERTTULA

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SENATE BILL NO. 17
IN THE LEGISLATURE OF THE STATE OF ALASKA
FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL.

For an Act entitled: "An Act relating to the applicability of the scholarship loan program to students attending more than one postsecondary educational institution; and providing for an effective date."

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

* Section 1. AS 14.43.160(2) is amended to read:

(2) "full-time student" means an undergraduate or career education student who is enrolled and is in regular attendance at classes for at least 12 semester hours of credit or the equivalent during the semester or a graduate student who is enrolled and is in regular attendance at classes for at least nine semester hours of credit or the equivalent; any combination of semester hours of credit, or the equivalent, aggregating to the requisite number of semester hours and undertaken during a semester at two or more public or private institutions of higher education [OPERATING UNDER A CONSORTIUM] constitutes full-time student status;

* Sec. 2. This Act takes effect immediately in accordance with AS 01.-10.070(c).

43.130

§ 14.43.135

EDUCATION

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student loan program for residents of Alaska to attend colleges and universities in Alaska as compared with colleges and universities outside Alaska;

"(2) the result of this lack of incentives is that 64.9 per cent of all undergraduate student loans and 92.9 percent of graduate student loans go to students attending colleges and universities outside Alaska;

"(3) the amount of the average loan to undergraduate students attending colleges and universities in Alaska is lower

than the average of similar loans in all but one of the 10 western states and the amount of the average loan for graduate students is the lowest in the West;

"(4) the funds spent on education in Alaskan colleges and universities go further than when the funds are spent out of state; and

"(5) it would be an aid to the Alaskan economy if the funds in the student loan program were spent for education in Alaskan colleges and universities."

Sec. 14.43.135. Discrimination prohibited. The student loan program shall be carried out without regard to the race, creed, sex, color, ancestry, national origin, or membership in fraternal or political organizations of the student applying for the loan. (§ 1 ch 98 SLA 1971; AS 14.40.769)

Sec. 14.43.140. Enforceability of certain contracts with minors. A written obligation entered into by a minor at least 16 years of age, evidencing a loan or other assistance received by a minor from any person for the purpose of furthering the minor's education in a career education program or an institution of higher learning, is enforceable against the minor with the same effect as if the minor were, at the time of its execution, 19 years of age, if the person making the loan has before making the loan a certification from the institution that the minor is enrolled in the institution or has been accepted for enrollment. (§ 1 ch 98 SLA 1971; AS 14.40.771)

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, ch. 58, SLA 1992.

Sec. 14.43.160. Definitions. In AS 14.43.090 — 14.43.160

(1) "career education" means a course or program in vocational-technical training or education approved by the commission;

(2) "full-time student" means an undergraduate or career education student who is enrolled and is in regular attendance at classes for at least 12 semester hours of credit or the equivalent during the semester or a graduate student who is enrolled and is in regular attendance at classes for at least nine semester hours of credit or the equivalent; any combination of semester hours of credit, or the equivalent, aggregating to the requisite number of semester hours and undertaken during a semester at two or more public or private institutions of higher education operating under a consortium constitutes full-time student status;

Sec. 14.42.045. Compensation and per diem. Members of the commission serve without compensation but are entitled to per diem and travel expenses as may be authorized by law for boards and commissions. (§ 4 ch 78 SLA 1974; AS 14.40.915)

Sec. 14.42.050. Legal counsel. (a) The attorney general is legal counsel for the commission. The attorney general shall advise the commission in legal matters arising in the discharge of its duties and represent the commission in actions to which it is a party. If in the opinion of the commission, the public interest is not adequately represented by counsel in a proceeding, the attorney general, upon request of the commission, shall represent the public interest.

(b) The commission may employ temporary legal counsel from time to time in matters in which the commission is involved. (§ 3 ch 25 SLA 1976; AS 14.40.917)

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Sec. 14.42.055. Consortia. All parties that are signatory to a consortium agreement between the University of Alaska and a private university or college must abide by a decision rendered by the commission when disagreements arise or exist between the parties. For purposes of this section and AS 14.42.030(b)(6), "consortium" means a cooperative arrangement between two or more public or private institutions of higher education specified in agreements or memoranda of understanding to permit sharing of facilities, instructional opportunities, and other educational services in such a way that the integrity of each institution party to the consortium is preserved while at the same time the institutions cooperatively plan the academic calendar, scheduling, use of personnel and facilities, and educational programs and offerings to the maximum advantage of the students and faculties of the institutions that are parties to a consortium. (§ 8 ch 246 SLA 1976; AS 14.40.919)

Revisor's notes. — AS 14.42.030(b)(6) was substituted for AS 14.40.909(b)(6) to conform to the renumbering of that section by the revisor of statutes under AS 01.05.031.

Chapter 43. Scholarship, Loan, and Grant Programs for Postsecondary Students.

Article

1. University of Alaska Scholarships for High School Graduates (§§ 14.43.010 — 14.43.030)
2. University of Alaska Scholarships for Natives (§§ 14.43.050 — 14.43.075)
3. Free Tuition and Fees for Dependents (§ 14.43.080)
4. Scholarship Loan Program (§§ 14.43.090 — 14.43.160)

ALASKA STATE LEGISLATURE

INTERIM OFFICE:
P.O. BOX 81435
FAIRBANKS, ALASKA 99708

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4930/4941



CHAIRMAN
1983 INTERIOR DELEGATION

MEMBER
TRANSPORTATION
HEALTH, EDUCATION AND SOCIAL SERVICES
LABOR SUBCOMMITTEE
JOINT OIL AND GAS
RURAL EDUCATION ATTENDANCE AREAS

Representative Mike Davis
House District 19

HOUSE BILL 174

The purpose of House Bill 174 is to allow students to combine credits from the postsecondary schools which they are concurrently attending in order to be eligible for student loans.

This bill primarily addresses a problem in Fairbanks, in which students attending either the University of Alaska or Tanana Valley Community College cannot combine their total number of credits in order to reach the number of credits necessary to achieve full-time student status.

The greater purpose of this bill is to allow students more flexibility in determining which courses they will take while attending college. This legislation in effect acknowledges the close interrelationship between community colleges and universities, and the healthy diversity of programs and courses in both of these institutions. In all cases, a student must be enrolled full-time in a degree program from an accredited school in order to be eligible for a student loan.

The provisions of HB 174 are already partially in effect in both Anchorage and Juneau. In Anchorage, a consortium agreement exists between the University of Alaska and Anchorage Community College in which an undergraduate student taking a total of 12 credits between both schools is eligible for a student loan. In Juneau, the relationship between the University of Alaska and Juneau-Douglas Community College is such that there is again no difficulty in a student being able to receive a loan while taking a combined full-time credit load.

No opposition to this dual enrollment was voiced by the administration at UAA, ACC, UAF, or JDCC. Indeed, the feelings from these schools are extremely positive toward such a program. Verification of student grades is facilitated in these university-community college arrangements in that each school is able to directly access the student records of the companion school.

Dean Roger Worsley of ACC suggested that a student take 75 percent of the course load, or nine credits, from the parent institution in order to clarify which school is ultimately responsible for maintaining a student's complete academic records and for issuing student loan checks. According to Dr. Kerry Romesberg, a regulation within the Postsecondary Commission is expected to be enacted soon which will stipulate that this condition be followed. This regulation will also limit the amount of paperwork that financial aid officers will have to deal with for dual enrollment students.

A question has been posed several times as to whether or not credits from correspondence courses could be applied toward student loan eligibility under provisions of this bill. Under present regulations, students are allowed to apply these courses toward loan eligibility requirements at the discretion of the parent institution. These courses must be approved by the parent institution, and they must be administered by an accredited school.

The language of this bill differs slightly from the wording in Senate Bill 197 in that HB 174 refers to applying only credits, not credits or hours, toward student loan eligibility requirements. By accepting only credits, financial aid officers would not be subject to the time-consuming procedure of converting hours to credits.

The purpose of this bill, again, is simply to allow those students who are in financial need the opportunity to take full advantage of the academic programs offered at the schools in their area.

Introduced: 2/8/83
Referred: Health, Education &
Social Services, House Special
Committee on State Loans and
Finance

1 IN THE HOUSE

BY DAVIS, DUNCAN, KOPONEN,
MALONE, SZYMANSKI AND ZILROFF

2

HOUSE BILL NO. 174

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to student loan eligibility."

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

8 * Section 1. AS 14.43.120(c) is amended to read:

9 (c) To maintain a loan the student must continue to be enrolled
10 as a full-time student in good standing or as a part-time student in
11 good standing in more than one institution for a total number of
12 credits equivalent to a full-time student in a career education pro-
13 gram, college or university designated under (b) of this section. The
14 commission shall adopt regulations defining "good standing" for pur-
15 poses of this subsection.

STATE OF ALASKA
FISCAL NOTE

Revision Date 5-5, 1983

I. REQUEST

Bill/Resolution No.: HB174
 Title: Act: Student Loan Eligibility
 Sponsor: Davis, et al
 Requestor: House HESS

II. FISCAL DETAIL

Agency Affected: Education
 Program Category Affected: Postsecondary Com
 BRU, Program of Subprogram(s) Affected:
Student Loan Admin. Student Loan Program

EXPENDITURES/REVENUES: (thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	N.A.	-0-	-0-	-0-	-0-	-0-
CAPITAL	N.A.	-0-	-0-	-0-	-0-	-0-
REVENUE						

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND	N.A.	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Kerry D. Jamesburg Phone: 465-2854
 Division: Alaska Commission on Postsecondary Education Date: 5-5-83
 Approved by Commissioner: _____ Date: _____
 Department: _____

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor

May 5, 1983

Analysis (HB174):

Allowing multiple enrollments should enable additional people to apply, but we have no way of determining what that number would be. We also have indication that some schools will require such cross-documentation that those students will face weeks and months of delays in receiving funds. Therefore, we have left the fiscal impact at zero.



Official Business

Alaska State Legislature

House of Representatives

Rep. Mike Davis

Pouch V
State Capitol
Juneau, Alaska 99811

January 31, 1983

Kathleen Smoyer
PO Box 2652
Fairbanks, AK 99707

Dear Ms. Smoyer,

Thank you for your recent letter.

I spoke with people at the Commission on Postsecondary Education regarding your application for a student loan, and I also referred to the Alaska statutes specifying those conditions which must be met for a loan. Unfortunately, as the law is presently written, a person must earn 12 credits at a single institution in order to be eligible for a student loan the following semester.

This situation needs to be remedied for cases such as yours, in which you received a total of 14 credits from the University of Alaska, Fairbanks and the Tanana Valley Community College during the Fall, 1982 semester. The university and the community college in Fairbanks not only complement each other in providing education services for the community but, as you note, both institutions are so closely tied that its only necessary to write one check in order to pay tuition for both schools.

I am supportive of allowing a person to be eligible for a student loan by taking a combination of 12 credits at two postsecondary schools. I am presently working with people at Legislative Legal Services in studying possible revisions which might be made to the existing laws.

Sincerely,

A handwritten signature in cursive script that reads "Mike".

Rep. Mike Davis

Mike Davis Office
Pouch V
Juneau, Alaska 99811
ATTN: Jonathan Sperber

January 20, 1983

Mr. Sperber:

Enclosed is my appeal for the Alaska Student Loan Program to reinstate my student loan which was denied for spring semester, 1983. Also attached are copies of forms that support my appeal. Please look these over and give me any help you can.

Much Appreciation...

Kathleen M. Smoyer

KATHLEEN M. SMOYER

P.O. Box 2652
Fairbanks, Alaska 99707
(907) 456-7250

Alaska Student Loan Program
Pouch FP, 400 Willoughby
Juneau, Alaska 99811
ATTN: Director

January 19, 1983

This is to appeal the loss of my Alaska Student Loan for spring semester, 1983. It was denied on the grounds that I no longer meet the eligibility requirements. Fall semester, 1982 I took 12 credits at the University of Alaska-Fairbanks, earned 10 of those credits, for a semester GPA of 3.0. I also took 4 credits at T.V.C.C., earned those 4 credits, for a semester GPA of 4.0. I therefore, earned a total of 14 credits for the fall semester of 1982, with my total GPA being somewhere between 3.0 and 4.0

When I went to see the UAF Financial Aid officer, the explanation was I did not complete 12 credits to be classified as a full time student and therefore, could not receive my A.S.L.P. loan this semester. They stated UAF and T.V.C.C. are different and the credit I earn at T.V.C.C. does not count. It is true that I registered at two different places and received two separate grade reports. However, I paid only one tuition (that at UAF). This implies to me they are part of the same system.

With some research, I found that this division between UAF and T.V.C.C. is fairly recent and was told that notices of this were sent to all students, though I never received one. When I called the A.S.L.P. office in Juneau, I was told that they could do nothing unless the UAF Financial Aid office authorized me to receive the check. But when I went to Financial Aid they told me

they (UAF) didn't have the power to change the decision but that A.S.L.P. did. All I have encountered so far is this type of bureaucratic run-around and it is most confusing to me as a student. So I went to see George Winford (advisor and head of UAF Journalism department) who, by the way, supports my appeal. He informed me I could have my T.V.C.C. classes transferred to my UAF transcript, which I have done. It will now show that I have completed 14 credits for the fall semester of 1982.

Under Borrower's Responsibilities on my promissory note it states:

I must maintain good standing, as defined for this program, in order to receive disbursement of my loan under the Alaska Student Loan Program. Good standing is defined as enrolling and completing at least a full-time student load while maintaining a grade-point-average of at least a "C" for an undergraduate or "B" for a graduate student.

It is my interpretation that I did comply with this regulation as worded in Item #8 of promissory note signed 9/7/82, and as my transcript will show.

I have had to borrow the money to pay my fees for this semester but must pay that person back and have no money on which to live. I am an earnest college student and I need my A.S.L.P. loan to continue my education. Therefore, I request that you reinstate my Alaska Student Loan for the spring semester of 1983 on the grounds that I did meet the requirements: completion of 14 credits at a 3.0+ GPA in fall of 1982.

Please review my appeal and let me know immediately of your decision.

Thank you very much for your consideration...

KATHLEEN M. SMOYER (574-34-9200)



TANANA VALLEY COMMUNITY COLLEGE
Fairbanks, Alaska 99701

February 17, 1983

Representative Mike Davis
P.O. Box 81435
College, Alaska 99708

Dear Mike:

In regards to HB 174, Tanana Valley Community College supports the bill relative to students who "in total" are enrolled in 12 credits or more which makes them a full-time student within the system.

Sincerely,

A handwritten signature in cursive script that reads "Rod".

Rodney Enos
Campus President

RE/dac



University of Alaska, Juneau

11120 Glacier Highway

Juneau, Alaska

99801

(907) 789-2101

April 19, 1983

Rep. Mike Davis
Pouch V
Juneau, AK 99811

Dear Representative Davis:

Thanks for sending me a copy of House Bill No. 174 (An Act relating to student loan eligibility). I feel that this is a constructive amendment which will allow greater flexibility for students in designating programs that will meet their educational goals.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard S. Lee', with a long horizontal flourish extending to the right.

Richard S. Lee, Dean
Juneau Douglas Community College

RSL:cs



University of Alaska, Juneau

1120 Glacier Highway

Juneau, Alaska

99801

(907) 789-2101

To: Chancellor Paradise

FEB 15 1983

From: Dianne Schmitt, Financial Aid Officer *DS*

Chancellor

Date: February 15, 1983

University of Alaska, Juneau

RE: LEGISLATION REGARDING THE ALASKA STUDENT LOAN PROGRAM

Senate Bill # 118 reduces the time a student must be in the state before applying for a loan, but also limits loans to students who apply before graduation from high school. The one year residency requirement (reduced from two years) will put a stop to litigation in that area. However, the requirement for all loan applicants to apply while still in high school will be a detriment to the spirit of the loan program and establish a new justification for litigation.

As the UAJ Financial Aid Officer, I must oppose this bill for several reasons. 1) It is sometimes difficult for high school students to decide if they want to go to college. I know there will be many young people who will neglect to fill out the application before high school graduation and later decide to go to college. This bill is asking all seventeen year old students in Alaska to decide their life goal without experiencing life beyond the academic setting. 2) Many students do not consciously choose a career path until several years after high school and after many life experiences. This bill would not afford this type of student the same opportunity as that provided for students who begin college shortly after high school. 3) Many students wait several years after graduation from a baccalaureate program before pursuing graduate study. This bill does not mention graduate study; therefore, I am assuming that it could also be interpreted to eliminate loans for post-baccalaureate students.

House Bill # 56 asks for the loan interest rate to be raised to 7% and for the loan to be limited to the cost of tuition, room and board. This bill is acceptable.

House Bill # 174 says that a student may attend classes at two institutions to accumulate the 12 credits required for the loan program. This bill is acceptable and also beneficial to many of the students in Southeast Alaska.



Anchorage Community College *A Unit of the University of Alaska System*

April 13, 1983

Representative Mike Davis
Pouch V
Juneau, Alaska 99811

Dear Representative Davis:

I am writing at the request of Kerry Howard to indicate my support of HB174 in concept. I believe that students should be allowed to count credits from more than one institution toward fulfilling the requirement for eligibility for the state student loan program.

However, I believe that there should be in place a consortium agreement between the two institutions as is now in existence between ACC/UAA. This agreement should require that 75 percent of the credits required for qualification should be taken at the parent institution. The parent institution is the institution which is disbursing the aid.

In the past, we have had problems in federal programs with students receiving aid from more than one institution. This is not the problem with the state loan, as there is only one check in this case. However, there is a lot of paperwork and staff time required in handling the state loan program. If a student were required to take 75 percent or nine credits from the parent institution, there would be an inherent commitment on the part of that student to attend that particular institution.

Another reason for this requirement is the necessity to certify academic eligibility between semesters. If a student is taking credits from more than one institution, a parent institution is required to obtain grade reports from all other institutions prior to certifying eligibility. This is simpler if consortium agreements are in effect. The time between semesters is short and the grade reporting process is lengthy. Reciprocal agreements between institutions for the release of grades is a complicated process covered by the privacy acts.

In summary, consortium agreements between cooperating institutions, with a parent institution requirement of 75 percent of the credits required for eligibility, would be a good addition to your bill in my view. Another desired addition would be for the parent institution to receive some support costs for facilitating the state loan program. Federal aid programs provide a percentage of dollars distributed to be used to administer their funds. The Alaska State Loan Program requires a lot of work on the part of our staff, but no funds are appropriated for this purpose. Our success in acquiring additional staff



Alaska Statewide Student Association

P.O. BOX 548
DOUGLAS, ALASKA 99824

REPRESENTING STUDENTS OF THE UNIVERSITY OF ALASKA STATEWIDE SYSTEM

ASSA requests that the following section be added to SPONSOR
SUBSTITUTE FOR HOUSE BILL 56:

AS 14.43.120(c) is amended to read:

(c) To maintain a loan the student must continue to be enrolled as a full-time student in good standing or as a part-time student in good standing in more than one institution for a total number of credits equivalent to a full-time student in a career education program, college, or university designated under (b) of this section. The commission shall adopt regulations defining "good standing" for purposes of this subsection.

At present, students enrolled at both UAF and TVCC, UAA and ACC, or Sitka CC and Sheldon Jackson may not receive scholarship loans unless they have a total of twelve credit hours at one or the other institution. This amendment would allow these perfectly legitimate, full-time students to be eligible for the loans.

Thank you.



UNIVERSITY OF ALASKA, FAIRBANKS
Fairbanks, Alaska 99701

March 9, 1983

Representative Mike Davis
Alaska State Office Building
Pouch V
Juneau, AK 99811

Dear Representative Davis:

This letter is in response to your request that I provide information regarding any administrative problems that colleges and universities might encounter should House Bill 174 be enacted.

As you probably know, the loan regulations already permit schools to combine credits provided a consortium or formal transfer agreement exists between the schools involved. This permits schools to voluntarily combine credits for loan recipients. However, it is my impression that HB 174 would require that schools accept concurrent enrollment from other schools in addition to their own for the purposes of establishing academic eligibility for the Alaska Student Loan.

Our primary concern at UAF is that the collection of the information needed to certify good academic standing and satisfactory progress would be so cumbersome and time consuming that our students would experience a considerable delay in actually receiving their state loan checks. I am attaching a sample copy of the "Record of Disbursement and Receipt" form which accompanies each state loan check and which the school's Financial Aid Officer must sign before disbursing the check to the student. Please note that the school must certify that the student is/was enrolled in a degree or diploma or certificate program as a full time student and is maintaining satisfactory progress as determined by school policy. HB 174 would put schools in the position of making this certification only after a lengthy and cumbersome administrative process of 1.) collecting certification of enrollment and fee statements from each school the student is attending, 2.) collecting official transcripts at the end of each term from each school the student is attending, 3.) official evaluation of transfer credits at the end of each term by the home institution's registrar, and 4.) a combining of credits earned elsewhere with a revision of the semester and cumulative g.p.a. Even large schools with sophisticated computer capability would have to do most of this work by hand and on a student by student basis. We expect that the enactment of this bill would cause a delay in delivering ASL checks to all students of at least three to four weeks after registration. In addition, all of the certification activity would take place at the time of registration when we are most heavily involved with getting students registered for classes and assisting students with various financial aid problems.

I would also like to mention that under HB 174, our students would not be limited to a TVCC/UAF dual enrollment. We would also be required to include UA correspondence work and any other accredited school's correspondence study. There is even the possibility that an out-of-state school would offer a special extension course in Fairbanks. Chapman College did just that a few years ago when it offered MBA coursework in the Fairbanks area.

UNIVERSITY OF ALASKA

Page 2 - UAF Financial Aid

A student attending school out of state in a large metropolitan area could easily enroll in a three credit course at each of four schools. It would be very time consuming to combine those credits at one school if all of the schools had a different starting and ending date. There is also the very real possibility that there could be a combination of quarter and semester credits to evaluate. There are some schools outside that have discussed the possibility of withdrawing themselves from eligibility for the Alaska Student Loan because the regulations are so different then accepted financial aid standards for the aid their school offers. I believe there is a real risk that other schools may simply choose to not accept another state's imposition of academic regulation on their institution and opt out of participation in the Alaska Student Loan program. It is extremely difficult to serve student's needs in a timely manner when faced with a variety of conflicting financial aid standards.

Finally, I would like to confirm that UAF Financial Aid applicants for the current academic year were advised well ahead of time that they would be required to carry a minimum of 12 UAF credits per semester (undergraduates) in order to be eligible for the loan at this school. We accomplished this by publishing news releases in the student newspaper, and by attaching an instruction sheet to each Alaska Student Loan application form that was given out from this office. Because ASL regulations require a minimum of 12 credits to maintain eligibility, we suggest to students that they carry those 12 credits with UAF, then take any desired coursework from other schools in addition to that minimum course load. This gives them the flexibility of exploring other schools and subjects while maintaining their eligibility for the loan at UAF.

I hope this information is useful to you. Please call us if you have further questions. Our office phone number is 474-7256. We appreciate this opportunity to express our views and we look forward to working with you.

Sincerely,



Carol M. Thomson
Financial Aid Advisor

/ct
enclosure

cc: Members of the Fairbanks Legislative Delegation

From Carol Thompson and Ida Griener, UAF

Re: House Bill 56

I think this bill would penalize the in-state student who is seeking a college education at the lowest possible cost. If enacted, this bill could encourage students to attend more expensive schools out-of-state. With no ceiling on the loan maximum, the student could conceivably request 12-15,000 dollars for a single academic year. (For example, the tuition plus room and board at Harvard is some 12-14,000 per academic year while similar costs at UAF are only 3200.)

I also note that there is no provision for an allowance for books and supplies as has been allowed before. I do agree that the loan amount should be no greater than the combined costs of tuition and required fees, room and board and books, but I believe that books are an important and necessary cost of education.

Because of declining revenues, I realize that the state must do something to change the scale of the student loan program. My suggestions would be to reduce the maximum of the loan from 6,000 to perhaps, 4500, for undergraduates,* and reduce the maximum for graduates from 7000 to perhaps, 5000; reduce or totally eliminate the generous forgiveness provisions; and to increase the interest rate. (I'm not sure that a student seeking an education has a right to a more attractive rate of interest than, say, a couple seeking to buy their first home or a young businessperson trying to get started in a business.)

*Note: Current GSL maximums are 2500 for undergrads and 5000 for graduates.

Re: House Bill 174

Legislation currently in effect already allows the student to combine credits at more than one school provided a consortium agreement or transfer agreement exists between the schools involved. To mandate that a school be forced to combine credits, collect academic transcripts from all other schools, and to recalculate separate g.p.a.'s into a composite g.p.a would be an administrative nightmare. I doubt that schools outside of Alaska would be willing to participate in the Alaska Student Loan program under such conditions. A student attending college in a Metropolitan area--Seattle, perhaps--could conceivably take four 3-credit classes at four different colleges in the area for a combined total of 12 credits. What school would be willing to call itself the student's home institution and say that the student was in good academic standing and making satisfactory progress toward a degree goal at that institution? From an administrative point of view, this bill, if enacted, would be possible only if an agency of the State of Alaska would serve as a central collection point for enrollment forms and for transcripts in order to determine a student's eligibility before releasing the loan check. If saving money is the object, this bill would certainly not meet that criteria.

Re: Senate Bill no. 118

This bill has two major considerations for schools and/or the State Loan Office. 1.) It's difficult to imagine how this would be handled administratively; it seems to be completely unmanageable, and 2.) Could requiring students to be Alaskan High School graduates in order to be eligible be constitutional? It distresses me to see the state provide more fodder for the likes of the Zobel's. It seems to me that this bill is saying that Alaskan High School graduates have more commitment to the State than those persons who grew up elsewhere but moved to Alaska because of choice.



FINANCIAL AID OFFICE

UNIVERSITY OF ALASKA, FAIRBANKS
Fairbanks, Alaska 99701

1982-83 ALASKA STUDENT LOAN INFORMATION

As a result of recent action by the Alaska Commission on Postsecondary Education, schools are no longer required to complete Part B of the Alaska Student Loan Application.

You may submit your application (two white copies) directly to the State Loan Office, retaining the yellow student copy, the cover sheets and this letter.

BE SURE THAT YOUR APPLICATION IS COMPLETELY FILLED OUT -- over 50% of the Alaska Student Loan applications are returned to the student because of omissions. When your application is received in Juneau, you will receive a blue post card with the date received indicated. This does not mean your application is complete; only that it has been received. You will next receive a promissory note in triplicate. Sign and date the note, list the dates of disbursement (8-20-82 for Fall 1982 semester and 1-1-83 for Spring 1983 semester), keep the marigold copy, and return the white and pink copies to Juneau.

Normally, the Financial Aid Office receives Alaska Student Loan checks in time to release funds at Registration. Before releasing checks, we must determine academic eligibility for each recipient. If you are currently enrolled at the University of Alaska-Fairbanks, you must be in good standing (2.0 semester and cumulative grade point average for undergraduates and 3.0 semester and cumulative grade point average for graduate students) to be eligible for your Fall 1982 check. Entering and transfer students must be admitted IN GOOD STANDING to a program leading toward a degree or certificate. Recipients must be full-time (12 credits for undergraduate, 9 credits for graduate students) and must complete 12 and 9 respectively each semester they receive a loan to be eligible for the following term.

Courses in the following areas cannot be counted toward the full-time financial aid requirement: Tanana Valley Community College, correspondence, extension, or television.

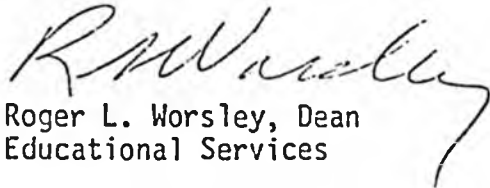
The eligibility requirements listed above reflect current Alaska State laws and regulations. NO EXCEPTIONS CAN BE MADE BY THE UNIVERSITY OF ALASKA-FAIRBANKS FINANCIAL AID OFFICE.

Any questions regarding the status of your application should be directed to the Alaska Student Loan Office in Juneau, since the Financial Aid Office acts only as a disbursing and certifying agency.

REPRESENTATIVE MIKE DAVIS
4/13/83 PAGE 2

through the University budget process has not been good. A five or ten percent overhead distribution to institutions handling a large volume of state loan checks would certainly be beneficial.

Sincerely,



Roger L. Worsley, Dean
Educational Services

263-1200

RLW:cb

cc: Dr. Ed Biggerstaff, Chancellor
Clay Walker, ACCSA

State of Alaska

COMMITTEES

HOUSE HEALTH, EDUCATION
AND SOCIAL SERVICES
(Co-Chairman)
HOUSE JUDICIARY
HOUSE COMMUNITY AND
REGIONAL AFFAIRS



POUCH V
JUNEAU, ALASKA 99811
(907) 465-4968

914 CLAY COURT
ANCHORAGE, ALASKA 99503
(907) 276-6844

Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

February 18, 1985

Mr. Forrest Hayes
4711 Pavlof Street
Anchorage, AK 99507

Dear Mr. Hayes:

Thank you very much for your note appended to my February 4 letter.

I apologize for not explaining our legislative custom in the printing of a bill. Language which is in parentheses and capitalized is omitted if the bill is passed. In other words, the very purpose of House Bill 96 is to eliminate the language "operating under a consortium".

The purpose of the bill is to do exactly as you suggest, and eliminate this language. I hope this answers your question. Please be advised that we are having a hearing on this legislation in the House HESS Committee today, February 18, 1985. I am taking the liberty of enclosing our correspondence (your public opinion message and my response and your note) in the official committee file. Your support will be most helpful in passing this bill, which has already passed the House Loans Committee.

Cordially,

A handwritten signature in cursive script that reads "Max F. Gruenberg, Jr.".

Max F. Gruenberg, Jr.

State of Alaska

COMMITTEES

HOUSE HEALTH, EDUCATION
AND SOCIAL SERVICES
(Co-Chairman)
HOUSE JUDICIARY
HOUSE COMMUNITY AND
REGIONAL AFFAIRS



POUCH V
JUNEAU, ALASKA 99811
(907) 465-4968

914 CLAY COURT
ANCHORAGE, ALASKA 99503
(907) 276-6844

Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

February 4, 1985

FEB 14 '85

Forrest Hayes
4711 Pavlof Street
Anchorage, AK 99507

Dear Mr. Hayes:

Thank you very much for your public opinion message regarding Senate Bill 17.

I believe what you say is absolutely correct, and I have therefore co-sponsored House Bill 96 by Representative Mike Davis, which deals with the same subject. Enclosed is a copy for your information.

Please let me know if you have any additional suggestions or questions.

Cordially,

A handwritten signature in cursive script that reads "Max Gruenberg".

Representative Max F. Gruenberg, Jr.

MFG/ke

cc: Rep. Mike Davis
Encls.

Dear Mr. Gruenberg:
Thank you for your letter and interest. I would like to ask why the [Operating Under A Consortium] was placed in the House Bill No 96? Do you not realize that UAA does not want to initiate Consortium agreements with other schools? Your bill would be ok if you omit that [Operating ----]. Otherwise, the students are at the mercy of the powers to be in each institution. Please consider eliminating the [Operating Under A Consortium].

Thank you.
Forrest Hayes

*
* DELIVER TO: JPOM *
* *
* ORIGINAL *
* SENT: 01/31/85 TIME: 12:34 *
* FROM: FLORENCE CARNAHAN *
* SUBJECT: POM *
* PRINT DATE: 01/31/85 TIME: 12:34 *
* *

TO: SENATORS ABOOD, FAIKS, V. FISCHER, HALFORD, JOSEPHSON, KELLY,
RODEY AND STURGULEWSKI

REPRESENTATIVES BOUCHER, CLOCKSIN, COLLINS, COTTEN, FURNACE,
GRUENBERG, HANLEY, JENKINS, MARTIN, PEARCE, PETTYJOHN, PHILLIPS,
PIGNALBERI, POURCHOT, RIEGER, SZYMANSKI AND UEHLING

FROM: FORREST HAYES 4711 PAVLOF ST., ANCHORAGE, AK 99507
563-7691

RE: SB 17

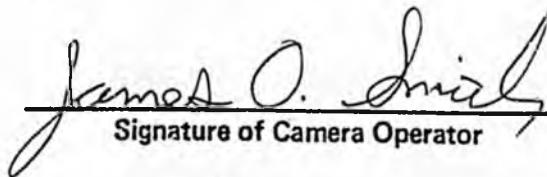
I WOULD LIKE TO URGE YOU TO PLEASE SUPPORT SB 17 ON BEHALF OF ALL
THE COLLEGE STUDENT RESIDENTS FROM ALASKA.

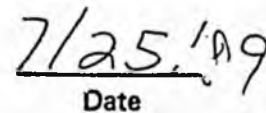


RECORDS CERTIFICATION



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.


Signature of Camera Operator


Date

HB



POSITION PAPER
House Bill 98

I. Purpose of House Bill 98

This is a rather technical "housekeeping" bill to amend Alaska statutes pertaining to the Medicaid program to bring them into conformance with Federal law. This is necessary due to major changes enacted by Congress in the Deficit Reduction Act of 1984 (Commonly referred to as DEFRA).

When a State accepts the Medicaid program, it must agree to offer certain mandatory medical services and to cover certain mandatory eligible groups (such as public assistance cash recipients). In addition, the State may choose to cover a variety of other "optional" eligible groups and to offer a variety of other "optional" medical services. When Alaska entered Medicaid in 1972, the Legislature determined that selection of optional eligible groups and medical services should rest solely with the Legislature. For that reason, current Alaska Statutes carefully set forth not only the mandatory features of Medicaid in Alaska, but also the optional features that have been selected. (Note Table I attached).

HB98 does not disturb the mix of eligible groups and medical services selected by the Legislature to date. Rather, HB98 makes technical changes to reflect that Congress has now made some of the optional eligible groups mandatory to cover. HB 98 simply seeks to place the mandatory and optional provisions in their proper place in Alaska statutes in light of Congress' changes.

Because no Medicaid services are being added or deleted, there is no fiscal impact associated with HB98.

II. Sectional Analysis:

. Section 1 (lines 10-29 pg 1, and 1-24 pg 2):

This Section makes changes to Medicaid statutes to clarify the optional groups of eligible persons covered under the Alaska Medicaid Program. Some of the previously optional groups are now mandatory to offer.

. Section 2 (lines 26-29 page 2, and 1-24 page 3):

This section distinguishes between mandatory and optional medical services covered under Medicaid in Alaska. AS 47.07.030(a) states that all mandatory medical services will be offered. AS 47.07.030(b) identifies the optional Medicaid services that have been selected by the Legislature. Taken together, (a) and (b) define a complete inventory of medical services offered under Medicaid in Alaska.

. Section 3 (lines 26-29 page 3, lines 1-29 page 4, lines 1-10 page 5):

This section identifies the order in which optional medical services and eligible groups are to be deleted if the program runs into funding difficulties. The present statute is unclear and therefore, open to misinterpretation. The present statutes also includes services which are now mandatory for Medicaid coverage under federal laws and may no longer be deleted if funding difficulties arise.

The changes proposed in HB98 do not change the order in which services and recipients would be eliminated in the event of program funding difficulties. However, the Department's Medical Care Advisory Committee is currently reviewing this prioritization and may submit request to revise the prioritization following their March 2, 1985 meeting. The Committee is primarily concerned with developing a prioritization that minimizes harm to the majority of recipients.

. Sections 4 and 5 (lines 11-28, page 5):

These two sections define new terms introduced by HB98. These new terms are found in AS 47.07.030 and in AS 47.07.035.

III. Department Position:

The Department strongly supports House Bill 98. There is no financial impact associated with passage of HB98.

Recommended By: Rod Betit
Rod Betit, Director
Division of Medical Assistance

Date: 2/1/85

Approved By: John R. Pugh
John R. Pugh, Commissioner
Department of Health & Social
Services

Date: 2/4/85

TABLE I

MEDICAID SERVICES

MEDICAID ELIGIBLE GROUPS

A. Mandatory Services:

- . Inpatient Hospital Services
- . Outpatient Hospital Services
- . Rural Health Clinics Services
- . Other Laboratory and X-Ray Services
- . Skilled Nursing Facilities Services
- . Home Health Services
- . Nurse Midwife Services
- . Early and Periodic Screening Diagnosis and Treatment for Individuals under 21
- . Physician Services
- . Medical Transportation

A. Optional Services Offered in Alaska

1. Long-Term Care Noninstitutional Services
2. Medical Supplies and Equipment
3. Surgical Care Center Services
4. Clinic Services
5. Inpatient Psychiatric Service for Under Age 22
5. Inpatient Psychiatric Service for over Age 65
6. Intermediate Care Facility for Mentally Retarded
7. Physical Therapy
7. Occupational Therapy
8. Speech, Hearing and Language Disorder Treatment
9. Optometrist Services
9. Eyeglasses
10. Intermediate Care Facility for Services
 - * Prosthetic Devices
 - * Skilled Nursing Facility for Under Age 21
 - * Emergency Hospital Services

C. Optional Services Not Offered in Alaska

- . Chiropractors Services
- . Other Practitioners Services
- . Private Duty Nursing
- . Dental Services
- . Prescribed Drugs
- . Dentures Services
- . Diagnostic Services
- . Screening Services
- . Preventive Services
- . Rehabilitative Services
- . Services for Age 65 or Older in TB Institutions
- . Personal Care Services
- . Christian Science Nurses
- . Christian Science Sanitoria

A. Mandatory Eligible Groups:

- . Families who receive AFDC payments and children who receive adoption Assistance under Title IV-E
- . Aged, Blind Disabled individuals who qualify for Social Security Income

B. Optional Eligible Groups Covered in Alaska

11. Individuals who cannot qualify for AFDC because they are not dependent children
12. Institutionalized individuals under a special income eligibility level
13. Individuals who do not receive SSI but qualify for Old Age Assistance
 - * Individuals eligible for financial assistance but not receiving it
 - * Individuals eligible for financial assistance except for institutional status

C. Optional Eligible Groups Not Covered

- . Noninstitutionalized disabled children
- . Noninstitutionalized individuals receiving home and community based service under a special income eligibility level
- . The medically needy
- . Individuals who could qualify for AFDC if AFDC were as broad as federally allowed
- . Individuals eligible for assistance under AFDC if child care costs were paid from earnings

* These optional services and eligible groups are not currently listed in AS 47.07.035 but have been included in the revision proposed in HB98.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 98
 Title: An Act clarifying the provisions of mandatory and optional
 Sponsor: Governor
 Requestor: _____
 Date of Request: 2/1/85

FISCAL DETAIL

Agency Affected: Health & Social Services
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: Medical Assistance

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Rod Betit, Director *R Betit*
 Division: Medical Assistance

Phone: 465-3355
 Date: 2/1/85

Approved by Commissioner: *John A. Poy*
 Agency: _____

Date: 2/6/85 *JCC*

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agencies

INTRODUCTION OF CITATIONS

The following citations were received:

Honoring - Coast Guard Auxiliary
by Representative Marrou

Honoring - The Civil Air Patrol
by Representative Marrou

The citations were referred to the Rules Committee for placement on the calendar.

INTRODUCTION FIRST READING AND REFERENCE
OF HOUSE RESOLUTIONS

HJR 14

HOUSE JOINT RESOLUTION NO. 14 by Shultz:

Relating to the navigability of
Alaska's rivers and lakes.

was read the first time and referred to the Transportation and Resources Committees.

INTRODUCTION, FIRST READING AND REFERENCE
OF HOUSE BILLS

HB 94

HOUSE BILL NO. 94 by Taylor, Gruenberg and Sund, entitled:

"An Act relating to participation by magistrates in the judicial retirement system; and providing for an effective date."

was read the first time and referred to the Judiciary and Finance Committees.

HB 95

HOUSE BILL NO. 95 by the Judiciary Committee by request, entitled:

"An Act relating to the office of the ombudsman and to the powers and duties of the ombudsman."

was read the first time and referred to the State Affairs and Judiciary Committees.

HB 96

HOUSE BILL NO. 96 by Davis, Hurley, Koponen, Larson, Gruenberg and Szymanski, entitled:

"An Act relating to the applicability of the scholarship loan program to students attending more than one postsecondary educational institution; and providing for an effective date."

was read the first time and referred to the House Special Committee on State Loans and the Health, Education & Social Services Committee.

HB 97

HOUSE BILL NO. 97 by Duncan, entitled:

"An Act relating to government liability for damage or injury resulting from hazardous recreational activities."

was read the first time and referred to the Judiciary and Finance Committees.

HB 98

HOUSE BILL NO. 98 by the Rules Committee by request of the Governor, entitled:

"An Act clarifying the provision of mandatory and optional medical services under Medicaid; and providing for an effective date."

was read the first time and referred to the Health, Education & Social Services and Finance Committees.

A zero fiscal note was attached. The Governor's transmittal letter, dated January 23, 1985, appears below:

"Dear Representative Brussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the provision of mandatory and optional medical services under the state Medicaid program. This bill addresses which categories of individuals must be served, which medical services must be provided and which are optional under the Medicaid program, and in what order individuals and optional services will be eliminated in the event costs exceed state budget allocations for medical assistance.

HB 98

Both the Tax Equity and Fiscal Responsibility Act of 1982 and the Deficit Reduction Act of 1984 have affected which individuals are mandatorily or optionally eligible and which medical services must or may be provided under the state Medicaid program.

As set out in AS 47.05.010, 47.05.050; and AS 47.07.010 and 47.07.020, it is the public policy of the state to cooperate and coordinate with the United States government in providing public assistance in Alaska. While state law requires that medical assistance be provided to residents of the state eligible under Title XIX of the Social Security Act, certain provisions of state law have not yet been amended to conform with recent amendments to the Social Security Act affecting eligibility.

This bill seeks to amend portions of AS 47 concerning the provision of Medicaid services to eligible recipients in order that Alaska law comply with federal law, and to clarify the points mentioned above. For instance, the Deficit Reduction Act of 1984 requires that certain pregnant women meeting stated income guidelines receive coverage, rather than being only optionally eligible. On the other hand, skilled nursing facility care for certain otherwise eligible individuals under age 21 and emergency hospital services are optional rather than mandatory under the federal amendments.

Because strict conformity with federal requirements is a prerequisite to the state's eligibility for federal financial participation in the state Medicaid program, it is essential that state law come into compliance. This will ensure Alaska's receipt of the full amount of federal financial participation in the state Medicaid program as well as avoid federal fiscal sanctions for program noncompliance. In this manner we will assure needy persons in the State of Alaska of uninterrupted, necessary medical care within the budgetary limits set by the legislature.

Sincerely,

/s/

Bill Sheffield
Governor"

HB 99

HOUSE BILL NO. 99 by the Rules Committee by request of the Governor, entitled:

"An Act relating to public assistance employment programs."

was read the first time and referred to the Health, Education & Social Services and Finance Committees.

HB 99

A fiscal note was attached and appears in House Journal Supplement No. 7. The Governor's transmittal letter, dated January 23, 1985, appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to public assistance employment programs. The bill authorizes the creation of programs that encourage public assistance applicants to work as an alternative to receiving aid.

The bill has three components: it authorizes the Department of Health and Social Services to establish employment and training programs; it allows the department to require participation in a program as a condition of eligibility or as recompense for aid payments; and it allows the department to give an applicant money or provide services that enable the applicant to participate in a program.

Under the first component, the department may establish programs that encourage persons to prepare for, seek, and retain employment so that they will not need public assistance. The Work Incentive Program administered by the Department of Labor under AS 23.15.250 has been successful and the Department of Health and Social Services needs the authority granted in this bill to enable it to adopt and administer similar programs.

The second component allows the department to mandate participation in a program it establishes as a condition of eligibility, or as recompense, for assistance. Participation in a program would give an applicant placement information, vocational skills, on-the-job training, or other assistance the applicant needs to become self-supporting.

The final component allows the department to provide an applicant with money or services the applicant needs in order to participate in employment programs (e.g. bus fare, day care), without having to reduce the applicant's assistance by the amount of money or the value of the services provided. Applicants' assistance payments need not be reduced as a consequence of receiving the money or services because the bill permits total benefits to exceed maximum payment levels.

The experience of other states indicates that training and employment programs have been successful in putting welfare applicants on their way to self-support. I urge you to adopt this bill.

Sincerely,

/s/

Bill Sheffield
Governor"

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

OFFICE OF THE ATTORNEY GENERAL

January 29, 1985

Honorable Max Gruenberg
Co-Chairman
Health, Education, and Social
Services Committee
House of Representatives
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: HB 98 (mandatory and optional
medical services under medi-
caid)
Our file no.: 377-051-85

Dear Max:

This bill resides in your committee at the moment, and we would like to request that it be amended before it is reported out. On page 2, line 24, please make the following change:

After the "(9)" delete all material and insert the following in its place: [WOMEN WHO ARE PREGNANT].

This change corrects an oversight. Under the new federal law, pregnant women are under the mandatory coverage rather than the optional coverage. Deleting them from AS 47.07.020(b)(9) removes them from the list of persons for whom there is optional coverage.

Thank you for your consideration of this matter.

Yours truly,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: 
Arthur H. Peterson
Assistant Attorney General

AHP:md

cc: Hon. John Pugh, Commissioner
Dept. of Health & Social Services

Honorable Max Gruenberg
Health, Education & Social
Services Committee

January 29, 1985
Page 2

Ray Gillespie
Legislative Assistant
Governor's Office

Linda Cerro
Assistant Attorney General
Juneau



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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

7/25/89
Date

H

B

9

9

COMMITTEE REPORT
HOUSE

(7)

FURTHER: FINANCE

1/23/85

Date: March 24, 1986

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had HB 99

"An Act relating to public assistance employment programs."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 99 (HESS) same title
 new title
- and recommends do pass
- AND attaches a "Letter of Intent" New Fiscal Note amended fiscal note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Max Shuckberg

John T. Taylor

John K. ...

...

...

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...

MEMBERS HAVING
OTHER RECOMMENDATIONS:

David W. ... - NO REC

...

...

...

...

Max Shuckberg
CHAIRMAN

John K. ...

IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

CS FOR HOUSE BILL NO. 99 (HESS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to public assistance employment programs."

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

* Section 1. AS 47.05 is amended by adding a new section to read:

Sec. 47.05.070. AUTHORITY TO ESTABLISH EMPLOYMENT PROGRAMS. (a)

The department may establish programs that provide applicants for public assistance and public assistance recipients with social services, including child care and transportation, needed to participate in the program and with incentives and training needed to obtain employment, or with actual work experience.

(b) The department may require participation in a program as a condition of eligibility for public assistance.

(c) The department may provide an applicant or recipient with money or other resources it finds necessary to enable the applicant or recipient to participate in a program. The total value of money or other resources and aid payments may exceed maximum payment levels established under this title.

(d) The department may not require an applicant or recipient to participate in a program under this section as a condition of eligibility for public assistance if the applicant or recipient is

(1) under 16 years of age or 65 years of age or older;

(2) a full-time student under 18 years age;

(3) ill or incapacitated, if medical evidence or other sound basis confirms that the illness or incapacity prevents entry

into employment or training;

(4) residing in a remote area that requires more than two hours traveling time to complete a round trip between home and program area or work or training site by reasonably available transport;

(5) with only brief and infrequent absence, the primary caretaker of a child or children under six years of age residing in the same household or of a household member who has a verified physical or mental impairment that requires the presence of the primary caretaker in the home on a substantially continuous basis;

(6) the primary caretaker of a child in the household if another adult in the same household is registered and participating in the program;

(7) employed and working at least 30 hours a week at a job expected to last at least 30 days.

cal Responsibility Act of 1982
t of 1984 have affected which
y or optionally eligible and
or may be provided under the

47.05.050; and AS 47.07.010 and
lic policy of the state to
h the United States government
e in Alaska. While state law
ance be provided to residents
er Title XIX of the Social
ons of state law have not yet
ith recent amendments to the
eligibility.

tions of AS 47 concerning the
ces to eligible recipients in
ply with federal law, and to
ed above. For instance, the
1984 requires that certain
ted income guidelines receive
only optionally eligible. On
ing facility care for certain
s under age 21 and emergency
il rather than mandatory under

th federal requirements is a
eligibility for federal fin-
state Medicaid program, it is
a into compliance. This will
re full amount of federal fi-
state Medicaid program as well
l sanctions for program
r we will assure needy persons
interrupted, necessary medical
ts set by the legislature.

Sincerely,

/s/

Bill Sheffield
Governor"

s Committee by request of the

o public assistance

id referred to the Health,
l Finance Committees.

HB 99

A fiscal note was attached and appears in House Journal Supplement No. 7. The Governor's transmittal letter, dated January 23, 1985, appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to public assistance employment programs. The bill authorizes the creation of programs that encourage public assistance applicants to work as an alternative to receiving aid.

The bill has three components: it authorizes the Department of Health and Social Services to establish employment and training programs; it allows the department to require participation in a program as a condition of eligibility or as recompense for aid payments; and it allows the department to give an applicant money or provide services that enable the applicant to participate in a program.

Under the first component, the department may establish programs that encourage persons to prepare for, seek, and retain employment so that they will not need public assistance. The Work Incentive Program administered by the Department of Labor under AS 23.15.250 has been successful and the Department of Health and Social Services needs the authority granted in this bill to enable it to adopt and administer similar programs.

The second component allows the department to mandate participation in a program it establishes as a condition of eligibility, or as recompense, for assistance. Participation in a program would give an applicant placement information, vocational skills, on-the-job training, or other assistance the applicant needs to become self-supporting.

The final component allows the department to provide an applicant with money or services the applicant needs in order to participate in employment programs (e.g. bus fare, day care), without having to reduce the applicant's assistance by the amount of money or the value of the services provided. Applicants' assistance payments need not be reduced as a consequence of receiving the money or services because the bill permits total benefits to exceed maximum payment levels.

The experience of other states indicates that training and employment programs have been successful in putting welfare applicants on their way to self-support. I urge you to adopt this bill.

Sincerely,

/s/

Bill Sheffield
Governor"

Introduced: 1/23/85
Referred: Health, Education & Social
Services and Finance

DRAFT

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 99

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public assistance employment
7 programs."

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

9 *Section 1. AS 47.05 is amended by adding a new section to read:

10 Sec. 47.05.012. AUTHORITY TO ESTABLISH EMPLOYMENT PROGRAMS. (a)

11 The department may establish programs that provide public assistance
12 applicants/recipients with social services (such as child care
13 and transportation) necessary for participation, and with incentives,
14 and training, needed to obtain employment, or with actual work experience.

15 (b) The department may require participation in a program as a
16 condition of eligibility for public assistance.

17 (c) The department may provide an applicant/recipient with money
18 or other resources it finds necessary to enable the applicant/recipient
19 to participate in a program. The total value of money or other resources
20 and aid payments may exceed maximum payment levels established under this
21 title.

22 (d) The department shall exempt from required participation in a
23 program as a condition of eligibility for public assistance any
24 applicant/recipient who is:

25 (1) under 16 years of age or 65 years of age or older,

26 (2) a full-time student under 18 years of age,

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- (3) ill or incapacitated, when medical evidence or other sound basis confirms that the illness or incapacity prevent entry into employment or training,
- (4) residing in an area which is remote (round trip requiring more than two hours traveling time from home to program area, work or training site by reasonably available transport),
- (5) the primary caretaker, with only brief and infrequent absence, of a child or children under six years of age residing in the same household or of a household member who has a verified physical or mental impairment which requires the presence of the primary caretaker in the home on a substantially continuous basis,
- (6) the primary caretaker of a child in the household if another adult in the same household is registered and participating in the program.
- (7) employed and working not less than 30 hours per week at a job expected to last at least 30 days.

DRAFT

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 99 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public assistance employment
7 programs."

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

9 * Section 1. AS 47.05 is amended by adding a new section to read:

10 Sec. 47.05.070. AUTHORITY TO ESTABLISH EMPLOYMENT PROGRAMS. (a)

11 The department may establish programs that provide applicants for
12 public assistance and public assistance recipients with social ser-
13 vices, including child care and transportation, needed to participate in
14 the program and with incentives and training needed to obtain employ-
15 ment, or with actual work experience.

16 (b) The department may require participation in a program as a
17 condition of eligibility, or as recompense, for public assistance.

18 (c) The department may provide an applicant or recipient with
19 money or other resources it finds necessary to enable the applicant or
20 recipient to participate in a program. The total value of money or
21 other resources and aid payments may exceed maximum payment levels
22 established under this title.

23 (d) The department may not require an applicant or recipient to
24 participate in a program under this section as a condition of eligi-
25 bility for public assistance if the applicant or recipient is

26 (1) under 16 years of age or 65 years of age or older;

27 (2) a full-time student under 18 years of age;

28 (3) ill or incapacitated, if medical evidence or other

29 sound basis confirms that the illness or incapacity prevents entry

1 into employment or training;

2 (4) residing in a remote area that requires more than two
3 hours traveling time to complete a round trip between home and program
4 area or work or training site by reasonably available transport;

5 (5) with only brief and infrequent absence, the primary
6 caretaker of a child or children under six years of age residing in
7 the same household or of a household member who has a verified phys-
8 ical or mental impairment that requires the presence of the primary
9 caretaker in the home on a substantially continuous basis;

10 (6) the primary caretaker of a child in the household if
11 another adult in the same household is registered and participating in
12 the program;

13 (7) employed and working at least 30 hours a week at a job
14 expected to last at least 30 days.
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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

7/25/89
Date

HPB

104

COMMITTEE REPORT

HOUSE

(7)

FURTHER: JUDICIARY

1/23/85

Date: March 7, 1985

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had HB 104

"An Act relating to computation, forfeiture and restoration of statutory good time."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 104 same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING DO PASS

W. J. Thompson

(Vice Chair) Kellie Taylor

MEMBERS HAVING OTHER RECOMMENDATIONS:

John Kenna (Chairman)

Patricia (Vice Chair)

Katie Hurley (absent in line with legal name)

John Kenna

 CHAIRMAN
W. J. Thompson

 Co-Chair

HB 103

Thus we believe that a clarification to allow short-term competitive royalty oil sales would be in the best interests of all.

Sincerely,

/s/

Bill Sheffield
Governor"

HB 104

HOUSE BILL NO. 104 by the Rules Committee by request of the Governor, entitled:

"An Act relating to computation, forfeiture and restoration of statutory good time."

was read the first time and referred to the Health, Education & Social Services and Judiciary Committees.

A zero fiscal note with analysis was attached and appears in House Journal Supplement No. 7. The Governor's transmittal letter, dated January 23, 1985, appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the computation, forfeiture, and restoration of statutory good time for state prisoners.

Good time accounting for state prisoners is currently being computed under three different systems dependent upon when a prisoner committed a criminal offense. Because of the complexities, an inordinate amount of staff time and frequent computational errors.

This bill will greatly simplify basic time accounting, and bring all Alaskan prisons under one time accounting system. For those prisoners already incarcerated on the date this bill becomes law, this bill will have the effect of changing the time accounting method from one of accruing good time at a set rate per month to one of a grant of good time in a block, the amount of which is dependent on the time remaining to be served on their sentences.

Additionally, although the primary purpose of the bill is to simplify the good time computation process, it will result in a minor reduction in the time prisoners will serve (one-twelfth of the sentence), if they observe all the rules of the institution while incarcerated.

HB 104

Finally, the bill will assist in the statewide uniform application of restoration of forfeited good time for prisoners who demonstrate good conduct during their incarceration.

Sincerely,

/s/

Bill Sheffield
Governor"

HB 105

HOUSE BILL NO. 105 by the Rules Committee by request of the Governor, entitled:

"An Act relating to the international airports revenue bonds authorization; and providing for an effective date."

was read the first time and referred to the Transportation and Finance Committees.

A fiscal note was attached and appears in House Journal Supplement No. 7. The Governor's transmittal letter, dated January 23, 1985, appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to raise from \$62,825,000 to \$86,525,000 the amount of international airports revenue bonds that may be issued by the state bond committee. This additional \$23,700,000 is intended to be used for the Anchorage International Airport Terminal Renovation, Phase II.

Sincerely,

/s/

Bill Sheffield
Governor"

HB 106

HOUSE BILL NO. 106 by the Rules Committee by request of the Governor, entitled:

"An Act making technical amendments relating to state taxation; and providing for an effective date."

was read the first time and referred to the Finance Committee.



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

7/25/89
Date

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COMMITTEE REPORT

HOUSE

JUDICIARY

(7)

FURTHER: FINANCE

1/25/85

Date: 20 March 1985

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had HB 114

"An Act relating to correctional facilities, and the imprisonment and rehabilitation of offenders."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 114 (HESS) same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

(Vice Chair) Edw. L. Taylor

Karin Hurley

[Signature]

[Signature]

[Signature]
CHAIRMAN

[Signature]

HB 113

A zero fiscal note was attached.

The Governor's transmittal letter, dated January 23, 1985, appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that provides an orderly system for accounting for and paying cash benefits to which state employees are entitled by law or through collective bargaining agreements. These benefits include cash payment of excess accrued annual leave, cash-out of annual leave upon termination, and employer contribution for unemployment benefits of former employees.

The bill creates a reserve account that permits the Department of Administration to charge appropriations made to state agencies for salaries and benefits, so that these benefits may be equitably allocated throughout the executive budget. Currently, there is no reliable method for anticipating the rate of expenditure necessary to pay these obligations for each fiscal year, and no mechanism exists to assure benefits for state employees in those agencies that experience unanticipated claims. The public suffers as well when an agency budget is overtaxed by having to pay these benefits. This reserve account will serve as a management tool that gives the Department of Administration the ability to apply savings in one department to payment of unanticipated claims arising in another.

Sincerely,

/s/

Bill Sheffield
Governor"

HB 114

HOUSE BILL NO. 114 by the Rules Committee by request of the Governor, entitled:

"An Act relating to correctional facilities, and the imprisonment and rehabilitation of offenders."

was read the first time and referred to the Health, Education & Social Services, Judiciary and Finance Committees.

Two zero fiscal notes were attached.

The Governor's transmittal letter dated January 23, 1985, appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to correctional facilities and to the imprisonment and rehabilitation of offenders.

HB 113

The bill has three main components, the most important of which is a total revision of 39.30, Alaska's statutes dealing with the state correctional system. Most of these statutes have not been amended since their original enactment at the time of statehood. There have been many changes in the law relating to corrections in the last several years (e.g. responsibility of the commissioner of corrections to provide treatment for mental and physical disabilities), and this bill incorporates these changes.

The bill also provides authority for the commissioner of corrections to authorize the monitoring of prisoner telephone calls so as to preserve the security and orderly administration of correctional institutions. It also revises and restructures existing law on furlough programs for prisoners by establishing certain eligibility requirements, setting out when furloughs may be granted, for what purpose, and the quality of supervision that is required for prisoners on furlough. In addition, it provides express authority for the commissioner of corrections to enter a contract with an individual or agency for the employment of prisoners when the commissioner determines that the work to be performed will have minimal negative impact on an existing private industry or labor force in the state. In the area of correctional industries, this bill will permit the Department of Corrections to enter into joint ventures with private industry for the employment of prisoners. This has been tried and has been successful in a number of other states.

Areas of confusion regarding the respective responsibilities of the commissioner of corrections and the commissioner of public safety as they pertain to prisoners are also resolved and clarified. In addition, this bill provides that personal property not claimed by a prisoner within 90 days after the prisoner's release or transfer is deemed abandoned and must be delivered to the Department of Administration for disposal.

The second major component of the bill provides express authority for the Department of Corrections and the Department of Transportation and Public Facilities to enter into agreements so as to permit the Department of Corrections to be delegated the responsibility for the construction, renovation, repair or alteration of state correctional facilities for projects with an estimated cost of up to \$100,000. This will expedite the completion of this type of project as well as provide additional opportunities for inmate work projects at a cost savings to the state.

Finally, the bill amends existing statutes dealing with unlawful evasion so as to cover prisoners on furlough who fail to return to their place of confinement or residence within the time specified by those having direct supervision over them.

This bill addresses many existing problems in Alaska's correctional system, and will enhance the ability of the

HB 114

state to carry out its responsibilities to the public and to offenders.

Sincerely,

/s/

Bill Sheffield
Governor"

HB 115

HOUSE BILL NO. 115 by the Judiciary Committee (for the Chief Justice of the Alaska Supreme Court), entitled:

"An Act relating to setting of venue by supreme court rule."

was read the first time and referred to the Judiciary Committee.

HB 116

HOUSE BILL NO. 116 by the Judiciary Committee (for the Chief Justice of the Alaska Supreme Court), entitled:

"An Act relating to judicial vacancy; and providing for an effective date."

was read the first time and referred to the Judiciary Committee.

HB 117

HOUSE BILL NO. 117 by the Judiciary Committee (for the Chief Justice of the Alaska Supreme Court), entitled:

"An Act relating to appointment, qualifications and duties of an internal auditor within the Alaska Court System."

was read the first time and referred to the Judiciary and Finance Committees.

HB 118

HOUSE BILL NO. 118 by the Judiciary Committee (for the Chief Justice of the Alaska Supreme Court), entitled:

"An Act relating to the small claims jurisdictional limitation and the duties of magistrates; and providing for an effective date."

was read the first time and referred to the Judiciary and Finance Committees.

HB 119

HOUSE BILL NO. 119 by the Judiciary Committee (for the Chief Justice of the Alaska Supreme Court), entitled:

"An Act relating to the jurisdiction of the superior court and the district court; and providing for an effective date."

was read the first time and referred to the Judiciary and Finance Committees.

HB 120

HOUSE BILL NO. 120 by Binkley, entitled:

"An Act relating to the leasing of limited entry permits by minor heirs of a deceased permit holder."

was read the first time and referred to the House Special Committee on Fisheries and the Resources Committee.

HB 121

HOUSE BILL NO. 121 by the Rules Committee by request of the Governor, entitled:

"An Act changing the name of the division of telecommunications systems in the Department of Administration; and providing for an effective date."

was read the first time and referred to the House Special Committee on Telecommunications and the State Affairs Committee.

A zero fiscal note with analysis was attached and appears in House Journal Supplement No. 8.

The Governor's transmittal letter, dated January 25, 1985, appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill changing the name of the division of telecommunications systems, in the Department of Administration, to the division of telecommunications operations. The new name more clearly reflects the actual functions of the division. The bill makes technical amendments to AS 44.21 to accomplish this change.

I urge your favorable consideration of this housekeeping measure.

Sincerely,

/s/

Bill Sheffield
Governor"