

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3997 SHEES HB 426 - HB 471

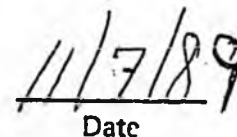
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# RECORDS CERTIFICATION

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Signature of Camera Operator

  
Date

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Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: ~~HB~~ 426  
Sponsor: Baucher  
Date referred to committee: 4/14  
Synopsis completed:  
Fiscal note: zero  
Further referrals:

Rules

CONTACTS:

Kerry Romeburg	2854
Roger (Baucher)	4931
Poppy	
Bethye Smith	561-1905

COMMITTEE REPORT

SENATE

FURTHER:

4/14/86

Date 4-24-86

Mr. President

The Committee on HESS considered CSHB 426 (HESS) relating to the regulation of postsecondary educational institutions.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt 5 CS for CSHB 426 (HESS),  
new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

[Signature]  
Paul Gruber  
William Stungulinski  
Edna DeWitt

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

[Signature] *Do Pass*  
 Chairman

Chairman recommendation

4/6-1)  
CSHB 426 (HESS), An Act relating to the regulation of postsecondary educational institutions.

Section 1 would add a representative of proprietary vocational/technical and business schools as a member to the Commission on Postsecondary Education. It would also amend the manner in which legislative members of the Commission would be appointed, giving the authority to the president of the senate and the speaker of the house, rather than the legislative council and the legislative budget and audit committee as in current law.

[ Section 3 would allow institutions to assign a lien on property to the commission in lieu of posting the required surety bond. ]

Sections 4 and 5 would allow the commission to revoke permits of institutions that are no longer operating. Currently, institutions that have ceased to exist must continue to be carried on the commission's books.

Sections 2, 6 and 7 would enhance the commission's efforts to investigate fee schedules of postsecondary institutions for reasonableness by allowing the Consumer Protection Agency to prosecute institutions under the Unfair Trade Practices Act.

In addition, committee discussion of SB 408, relating to state aid for education, will continue.

Senate HESS CS removed

Offered: 4/8/86  
Referred: Rules

Senate HESS CS

4/29/86

Original sponsor: Boucher

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

SUS *CS* FOR HOUSE BILL NO. 426 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

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

7

8

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

9

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

10

(a) There is in the Department of Education the Alaska Commis-

11

sion on Postsecondary Education consisting of:

12

(1) two members of the Board of Regents of the University

13

of Alaska designated by the members of that body;

14

(2) one person representing private higher education in the

15

state selected jointly by the Boards of Trustees of Alaska Pacific

16

University and Sheldon Jackson College from among their membership;

17

(3) one person representing the Department of Education

18

selected by the state Board of Education;

19

(4) four persons broadly and equitably representative of

20

the general public appointed by the governor;

21

(5) one member of the state Advisory Council on Vocational

22

Education designated by the members of that body;

23

(6) one person from [AMONG] the members of the local com-

24

munity college advisory councils appointed [, INITIALLY,] by the

25

governor [UNTIL THE STATE ADVISORY COUNCIL ON COMMUNITY COLLEGES IS

26

ESTABLISHED AND ORGANIZED UNDER AS 14.42.030(b); THEN, ONE MEMBER OF

27

THE STATE ADVISORY COUNCIL ON COMMUNITY COLLEGES DESIGNATED BY THE

28

MEMBERS OF THAT BODY];

29

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 \* Sec. 6. AS 45.50.471(b) is amended by adding a new paragraph to read:  
8 (26) failing to comply with AS 14.48.060(b)(13).

9 \* Sec. 7. AS 45.50.481 is amended to read:  
10 Sec. 45.50.481. EXEMPTIONS. Nothing in AS 45.50.471 - 45.50.561  
11 applies to

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

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

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

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

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

# Alaska State Legislature

POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4931

DISTRICT 10  
BOX 111038  
ANCHORAGE, ALASKA 99511  
(907) 349-2192



CHAIRMAN  
Special Committee on  
Telecommunications

MEMBER  
Labor and Commerce  
State Affairs  
Finance—Subcommittee Administration

Representative H. A. "Red" Boucher

## M E M O R A N D U M

To: Members, House HESS Committee

From: Representative H.A. "Red" Boucher  
Sponsor of HB 426

Date: March 20, 1986

Subject: Overview of HB 426, "Membership on the  
Post-Secondary Education Commission"

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In 1972, federal law mandated the creation of Postsecondary Education Commissions in each state, as required by Section 1202 of the Education amendments of 1972.

In 1976, the State of Alaska created a Commission under CSHB 143 am S, which became AS 14.42. According to Bettye L. Smith, currently a member of the Commission representing the State Council on Vocational Education, the Commission was created without a member to represent the private proprietary institutions of postsecondary education. Ms. Smith provided detailed testimony on this issue in a presentation before the Commission on September 20, 1977 and again on March 23, 1985, which are in the Committee folders.

The omission of the position was done in spite of the fact that the federal guidelines at the time recommended that such a member be included; and in fact the other 49 states did add such a member to their Commissions. Apparently, the drafters of the bill left off this position because they felt the Commission was too large, and because private proprietary schools were not a large force at that time.

This has all changed. The private proprietary schools are now a sizeable group. The Commission is charged with regulating the private schools, but specifically excludes private higher educational institutions (Alaska Pacific University and Sheldon Jackson College). Thus, the Commission's regulatory function in the private sector is primarily limited to private proprietary schools. Without a member from this group on the Commission, this is "Regulation without Representation."

This bill seeks to rectify this oversight through the addition of a member. The bill was endorsed by the Commission at their February 28-March 1, 1986 quarterly meeting.

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: 4/7/86

**REQUEST**

Bill/Resolution No.: CS HB 426  
 Title: Regulation of Postsecondary Institutions  
 Sponsor: Boucher  
 Requestor: House HESS  
 Date of Request: April 7, 1986

**FISCAL DETAIL**

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

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

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

**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

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

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

Prepared by: Kerry D. Romesburg, Executive Director Phone: 465-2854  
 Division: Alaska Commission on Postsecondary Education Date: 4/7/86

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

Distribution (by Agency preparing fiscal note):

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

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No. : CSHB 426 (HESS)  
 Title : "An Act Relating to  
 Postsecondary Educational  
 Institutions"  
 Sponsor : Representative Boucher  
 Requestor : House HESS  
 Date of Request : April 7, 1986

FISCAL DETAIL

Agency Affected : Department of Law  
 BRU : Consumer Protection  
 Components : Consumer Protection

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

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

POSITIONS :

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Please see attached analysis.

Prepared by : Richard I. Peques, Director Phone : 465-3672  
 Division : Administrative Services Division Date : 4/7/86  
 Approved by Commissioner : Richard I. Peques / Full  
Harold M. Brown, Attorney General Date : 4/7/86  
 Agency : Department of Law

Distribution (by Agency preparing fiscal note) :

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

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 426 (HESS)

Section 2 and Section 8 of this bill makes charges set by institutions for tuition, fees, books and supplies subject to the unfair trade practices statutes. In view of substantial reductions being made in the consumer protection budget for FY87, the Department of Law will have to rely on the Commission on Postsecondary Education to gather complaints and provide evidence of alleged wrongdoing before the department could take enforcement actions. Likewise, to the extent that any substantial enforcement action becomes necessary, the department would require that the commission transfer funds to the department sufficient to pay for the costs of enforcement, including the personal service costs for the attorneys.

(A) makes application to the Board of Regents of the University of Alaska for participation in the community college program;

(B) satisfies educational standards of the University of Alaska according to criteria established by the Board of Regents;

(C) has had an average daily membership during the previous school year of at least 75 high school students, grades 9-12;

(D) has established to the satisfaction of the Board of Regents the practical need for a community college within the district or political subdivision; and

(E) makes arrangements for defraying its proper share of the costs of the operation and maintenance of a community college, as provided by the terms of AS 14.40.560 — 14.40.640;

(3) "board of regents" or "board" means the Board of Regents of the University of Alaska. (§ 2 ch 75 SLA 1962)

Editor's notes. — This section is set out above to correct a typographical error in the title pamphlet.

## Chapter 42. Alaska Commission on Postsecondary Education.

### Section

#### 15. Creation, composition, appointment of members

Sec. 14.42.015. Creation, composition, appointment of members. (a) There is in the Department of Education the Alaska Commission on Postsecondary Education consisting of

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

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

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

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

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

(6) one person from among the members of the local community college advisory councils appointed, initially, by the governor until the state Advisory Council on Community Colleges is established and organized under AS 14.42.030(b); then, one member of the state Advisory Council on Community Colleges designated by the members of that body;

(7) two members from the legislature, one of whom shall be designated by the Legislative Council and one by the Legislative Budget and Audit Committee;

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

(b) No governing body member, trustee, official or employee either a public, private or proprietary institution of postsecondary higher education in the state may be appointed to membership on the commission as representative of the general public for the purpose (a)(4) of this section.

(c) The governor's appointees are subject to confirmation by the legislature and shall serve at the pleasure of the governor for four year staggered terms. Members appointed or designated by bodies or agencies other than the governor serve at the pleasure of the appointing authority. Vacancies shall be filled in the same manner as original appointment.

(d) For the purpose of (a)(4) of this section, "broadly and equitably representative of the general public" means that the public membership of the commission shall include adequate representation both on the basis of sex and on the basis of the significant racial, ethnic, geographic and economic groups in the state.

(e) A full-time postsecondary student shall be appointed to the Alaska Commission on Postsecondary Education from a list of nominees submitted to the governor. The governor shall make the appointment from the list within 60 days after it is submitted. The list shall consist of the names of two nominees from Alaska Pacific University, two nominees from Sheldon Jackson College, and two nominees from each campus of the University of Alaska. The nominees shall be selected by the students at Alaska Pacific University, Sheldon Jackson College, and each campus of the University of Alaska. Selections shall be made at elections conducted under rules established by the Office of the Governor. The term of office of the student member of the commission is two years. Membership on the commission is immediately forfeited by a student member who ceases to be a full-time student. Within 60 days after a vacancy occurs, the governor shall appoint a successor from those students appearing on the list of nominees to serve for the unexpired term of the original appointee. The term "campus" used in this subsection means a portion of the University of Alaska designated as a "campus" by the Board of Regents. (§ 4 ch 78 SLA 1974; am §§ 1 — 3 ch 64 SLA 1982; AS 14.40.903; am § 56 ch 6 SLA 1984)

BOARD: POSTSECONDARY EDUCATION, ALASKA COMMISSION ON

TITLE: Alaska Commission on Postsecondary Education

DEPT: Department of Education

AUTHORITY: AS 14.42.010

STATUS: ACTIVE

REQUIREMENTS: FINANCIAL DISCLOSURE

PROHIBITIONS: No governing body member, trustee, or employee of post-secondary or higher education institution as public member

TERM: 4 years - staggered, except student members - 2 years

DESCRIPTION: 13 members - 5 appointed by Governor: 4 public; 1 full-time student from nominees (by election); plus 8 with following representation: 2 Board of Regents, 1 private higher education, 1 Dept. of Education, 1 Advisory Council on Vocational Education, 1 from local community college advisory councils, 1 legislative council, and 1 legislative budget and audit committee; serve at pleasure of appointing authority; members elect chair.

SPECIAL FACTS: Quorum - majority; report to Governor/Legislature

FUNCTION: Coordinates development of plans for orderly growth of public/private postsecondary education; recommends new facilities and programs; administers student loan program.

COMPENSATION: Standard travel/per diem

MEETINGS: Quarterly, time/place determined by chair; 10 days maximum

\*FOR FURTHER INFORMATION CONTACT: Executive Director, Commission on Postsecondary Education, Box F, Juneau, AK 99811 - 465-2854

Postsecondary Education

<u>MEMBER</u>	<u>APPT</u>	<u>REAPPT</u>	<u>TERM</u>
Patricia A. Abney 5800 East 142 Avenue Anchorage 99516 Public	83/08/19	84/03/27	88/03/01
Alice J. Bosshard Box 127 Valdez 99686 Community Colleges	85/06/28		89/06/30
Ruth E. Burnett 1901 Crosson Fairbanks 99701 Regents Board	03/04		91/02/01
Patricia C. Clark 612 Sprucewood Fairbanks 99701 Public	83/08/19		86/03/01
Gordon Evans 604 Gold Street Juneau 99801 Regents Board - Chairman	83/04		91/02/01
Ernestine J. Griffin P.O. Box 808 Sitka 99835 Education Board			87/01/31
John E. Havelock 3210 Baxter Road Anchorage 99504 Public	85/05/21		89/03/01
Richard J. Helms P.O. Box 100916 Anchorage 99510-0916 Student Rep.	84/09/07		88/03/01
Jalmar Kerttula Pouch Z Palmer 99645 Legis/S			
Niilo Koponen P.O. Box 252 Fairbanks 99707 Legis/R			

Postsecondary Education - Continued

<u>MEMBER</u>	<u>APPT</u>	<u>REAPPT</u>	<u>TERM</u>
Barbara M. Shaffer 1666 Patterson Street Anchorage 99504-2773 Private/Higher Ed.	85/04/29		89/03/01
Bettye L. Smith 2067 Shepherdia Anchorage 99504 Vocational Ed.	85/06/28		87/05/30
Barbara A. Thompson Dept. of Educ./Pouch F Juneau 99811 Public	83/08/19	84/03/27	88/03/01

more of the condi-  
of this paragraph,  
cational problems  
ation program for

severe orthopedic  
genital anomaly,  
ducational perfor-

autistic condition  
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ngth, vitality, or  
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impairment, or a  
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struction, at no  
dicapped child,  
ical education,  
stitutions; the  
service, if the

service consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a handicapped child, and is considered special education rather than a related service under state standards; the term also includes vocational education if it consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a handicapped child; in this paragraph

(A) "at no cost" means that all specially designed instruction is provided without charge but does not preclude incidental fees that are normally charged to nonhandicapped students or their parents as a part of the regular education program;

(B) "physical education" means the development of physical and motor fitness, fundamental motor skills and patterns, skills in aquatics, dance, and individual and group games, and sports (including intramural and lifetime sports); the term includes special physical education, adapted physical education, movement education, and motor development;

(C) "vocational education" means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree;

(7) "school district" means a borough school district, a city school district, or a regional educational attendance area. (§ 2 ch 120 SLA 1959; am §§ 5, 6 ch 81 SLA 1965; am §§ 13, 14 ch 144 SLA 1970; am § 2 ch 119 SLA 1981; am § 18 ch 147 SLA 1984)

Effect of amendments. — The 1984 amendment rewrote this section.

#### Article 4. Health Education.

##### Section 360. Curriculum

**Sec. 14.30.360. Curriculum.** (a) Each district in the state public school system shall be encouraged to initiate and conduct a program in health education for kindergarten through grade 12. The program should include instruction in physical health including alcohol and drug abuse education, cardiopulmonary resuscitation (CPR), early cancer prevention and detection, dental health, family health, environmental health, and appropriate use of health services.

(b) The state board shall establish by regulation guidelines for a health education program. A school health education specialist position shall be established and funded in the department to coordinate the program statewide. Adequate funds to enable curriculum and resource development, adequate consultation to school

wages paid after December 31, 1971, depending on the applicable law; reimbursement payments to cover benefits paid based on services performed after December 31, 1971, depending on the applicable law;

(15) *[Repealed, § 31 ch 21 SLA 1985.]*

(16) "employment office" means a free public employment office or branch of one operated by this state or another state or territory as a part of a state-controlled system of public employment offices or by a federal agency or an agency of a foreign government charged with the administration of an unemployment insurance program or of free public employment offices;

(17) "fund" means the unemployment compensation fund established by this chapter;

(18) "hospital" means any institution primarily engaged in the treatment of emotional or physical disability which provides, on a regular basis, 24-hour a day bed care under the supervision of licensed medical personnel and those components, of other institutions, which are primarily engaged in the treatment of emotional or physical disability and which provide, on a regular basis, 24-hour a day bed care under the supervision of licensed medical personnel;

(19) "institution of higher education" means an educational institution which

(A) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of a high school graduation certificate;

(B) is legally authorized in the state in which it is located to provide a program of education beyond high school;

(C) provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward either degree, a program of postgraduate or postdoctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(D) is a public or other nonprofit institution;

(20) "insured work" means employment for employers;

(21) "insured worker" means an individual who, with respect to a base period, meets the wage and employment requirements of AS 23.20.350;

(22) "state" includes the states of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands;

(23) "vocational training or retraining course" means a course of vocational or technical training or retraining in schools or classes, including but not limited to, field or laboratory work and related remedial or academic instruction, which is conducted as a program designed to prepare individuals for employment in trades, skills or crafts; the term "vocational training or retraining course" does not include a program of instruction for an individual, including a

transfer credit which is into education;

(24) *[Repealed.]*

(25) "waiting period" means the period which an individual must wait before becoming eligible for unemployment benefits and for which no benefits are payable; AS 23.20.387;

(26) "week" means a week in a department or division; AS 23.20.387; 1955: § 205 c 210, 212, 213. 64 SLA 1959: 1971; am § 24 ch 122 SLA 1982 115 SLA 1982

Effect of non-amendment, effective paragraph (10) and payment in "contributions" and "payments" which payments

## Chapter 23.30

### Article 1. Administration

#### Section 05. Alaska Workers' Compensation

Sec. 23.30.005 Alaska Workers' Compensation Board; three members; three members; southcentral judicial district; judicial district; the designated industry, and each panel shall confirm by session.

payments to  
December 31,

transfer credit program of instruction given at a community college, which is intended as credit for a degree from an institution of higher education;

ment office or  
territory as a  
offices or by a  
urged with the  
m or of free

(24) [Repealed, § 31 ch 21 SLA 1985.]

fund estab-

(25) "waiting week" means the first week of unemployment for which an individual files a claim during the individual's benefit year and for which no disqualification is imposed under AS 23.20.378 — 23.20.387;

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utions, which  
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ur a day bed

(26) "week" means the period of seven consecutive days which the department may by regulations prescribe. (§§ 202 — 204 ch 5 ESLA 1955; § 205 ch 5 ESLA 1955; am § 1 ch 169 SLA 1957; §§ 206, 208, 210, 212, 213, 236 — 238, 240, 241, 252, 253 ch 5 ESLA 1955; § 13 ch 64 SLA 1959; am § 1 ch 93 SLA 1960; am §§ 10 — 13 ch 106 SLA 1971; am § 24 ch 208 SLA 1975; am § 2 ch 74 SLA 1976; am §§ 13, 14 ch 122 SLA 1977; am §§ 73, 74, 77, 80 ch 9 SLA 1980; am §§ 28, 29 ch 115 SLA 1982; am §§ 29 — 31 ch 21 SLA 1985)

ional institu-

Effect of amendments. — The 1985 amendment, effective May 10, 1985, in paragraph (10) substituted "'contribution' and 'payment in place of contribution'" for "'contributions' and 'payments in place of contributions,' whether singular or plural," "payments" for "payment" and "which payments are" for "and they are considered to be," and deleted "state unemployment compensation" preceding "fund"; and repealed paragraphs (8), (9), (12), (15) and (24), which respectively defined "commissioner," "contributions," "department," "employment," and "wages."

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### Chapter 30. Alaska Workers' Compensation Act.

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#### Article 1. Administration.

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#### Section

05. Alaska Workers' Compensation Board

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Sec. 23.30.005. Alaska Workers' Compensation Board. (a) The Alaska Workers' Compensation Board consists of a southern panel of three members sitting for the first judicial district, a northern panel of three members sitting for the second and fourth judicial districts, two southcentral panels of three members each sitting for the third judicial district, and one panel of three members that may sit in any judicial district. Each panel must include the commissioner of labor or the designated representative of the commissioner, a representative of industry, and a representative of labor. The latter two members of each panel shall be appointed by the governor and are subject to confirmation by a majority of the members of the legislature in joint session.

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1202 COMMISSION  
LACK OF REPRESENTATION BY  
VOCATIONAL-TECHNICAL SCHOOLS

STATEMENTS MADE BY  
BETTYE L. SMITH

TO  
ALASKA POSTSECONDARY COMMISSION  
MARCH 23, 1935

1202 Commission

Back in 1977 when the State of Alaska submitted the Alaska Postsecondary plans as required by Section 1202 of the Education Amendments of 1972, I received a letter from the National Association of Trade and Technical Schools which stated - and I quote "Under the plans submitted to the Office of Education by your State, it appears that there is no proprietary representation on the State 1202 Commission as required by Section 1202 of the Education amendments of 1972. You and other schools in your state may wish to look into this matter in depth."

Well NATTS was not bringing to my attention anything I did not already know. During 1973, prior to the passage of HB 180 which created the Alaska Commission on Postsecondary Education, we contacted every member of the legislature including the legislative council that drafted this particular legislation, in particular Mr. Stuart Hall.

In Mr. Hall's judgement there was no obligation whatsoever that proprietary institutions be represented on this Commission. He indicated to me that if our schools were included it would make it too cumbersome - just too many commissioners. However, on page 201 of the Compilation of Higher Education Laws, 1972 of the 92nd Congress, 2d Session it reads: Sec. 1202 (a) Any State which desires to receive assistance under section 1203 or title X shall establish a State Commission or designate an existing State agency or State Commission (to be known as the State Commission) which is broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State including community colleges (as defined in title X), junior colleges, postsecondary vocational schools, area vocational schools, technical institutes, four year institutions of high education and branches thereof.

As of January 1977, 49 proprietary representatives were serving other states on these very commissions. In fact the Arizona 1202 Commission which I believe you were a part of, Dr. Romesburg, a fellow AICS school manager Mary Willard Hamm was the proprietary representative on that commission.

As the bill stands now, as it did in 1977, not one private proprietary vocational school has any representation on this Commission.

Take a look at the make-up of the commission. Out of 13 commissioners not one person, with any proprietary experience is on that Commission, yet they have the power of life and death over our industry. Take a look at the staff - making life and death recommendations to the commission to vote on. Four year academicians.

We are being governed without representation by those who have acknowledged before us little or no experience or expertise in the private vocational-technical field.

Why can we never get a voice in our governance until we are forced into total frustration with regulations being put into law that have not been widely disseminated and public hearings held in areas that the small private school operators could attend? If appropriate public notification and available public hearings had been held then I would have more appreciation for the statement made by John W. Katz, Director of State/Federal Relations and Special Counsel to Governor Sh- in his February 28, 1985, letter to Congressman Don Young. In this letter he stated, "In addition to expressing their concerns and interests by correspondence, it would seem appropriate for the proprietary schools to voice their opinions and recommendations by participating in the regulatory process. "

This is the first public hearing I am aware of since the September 20, 1977, and we are participating.

We have the desire to serve - or we would not be in this business.

We have the service to provide - our records show it.

We have the ability to survive with fair and equitable regulations.

And - we - will - because - WE CARE FOR OUR STUDENTS!

By the way, what was the Boston Tea Party all about?

92d Congress }  
2d Session

JOINT COMMITTEE PRINT

*Please Return  
to  
Butler Smith*

COMPILATION OF HIGHER  
EDUCATION LAWS, 1972

COMMITTEE ON EDUCATION AND LABOR  
HOUSE OF REPRESENTATIVES

COMMITTEE ON LABOR AND PUBLIC WELFARE  
UNITED STATES SENATE



NOVEMBER 1972

Printed for the use of the Committee on Education and Labor  
Carl D. Perkins, Chairman

and the

Committee on Labor and Public Welfare  
Harrison A. Williams, Jr., Chairman

U.S. GOVERNMENT PRINTING OFFICE

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WASHINGTON : 1972

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(d) The term "secondary school" means a school which provides secondary education as determined under State law except that it does not include any education provided beyond grade 12.

(e) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(f) The term "Comissioner" means the Commissioner of Education.

(g) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts of counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(h) The term "state educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(i) The term "elementary school" means a school which provides elementary education including education below grade 1, as determined under State law.

(j) The term "combination of institutions of higher education" means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common object, i.e. of a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf.

(k) The term "gifted and talented children" means, in accordance with objective criteria prescribed by the Commissioner, children who have outstanding intellectual ability or creative talent.

(l) The term "school or department of divinity" means an institution or a department or a branch of an institution the program of instruction of which is designed for the education of students (A) to prepare them to become ministers of religion or to enter upon some other religious vocation (or to provide continuing training for any such vocation), or (B) to prepare them to teach theological subjects.

(2) P.S.C. 1141; amended Nov. 8, 1965, P.L. 80-329, Title VIII, sec. 501, 78 Stat. 1209; amended Oct. 16, 1968, P.L. 90-575, Title II, sec. 251, 295, and 294, 82 Stat. 1012 and 1020-51; amended April 23, 1970, P.L. 91-230, sec. 806(b), 84 Stat. 1372; subsection (1) added June 23, 1972, P.L. 92-318, sec. 131(d)(1), 86 Stat. 299.

STATE POSTSECONDARY EDUCATION COMMISSIONS

Sec. 1202. (a) Any State which desires to receive assistance under section 1203 of title X shall establish a State Commission or designate an existing State agency or State Commission (to be known as the State Commission) which is broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State including com-

*The were  
deliberately  
written out*

HB 426 Floor Speech

April 10, 1986

*HDXECLAMING*

THIS BILL MAKES SEVERAL ADJUSTMENTS IN THE POST-SECONDARY EDUCATION COMMISSION AND IT'S ACTIVITIES, BUT WITH A ZERO FISCAL NOTE.

THE MOST IMPORTANT OF THESE IS THE ADDITION OF A MEMBER TO THE POST-SECONDARY COMMISSION ITSELF. WHEN THE 13-MEMBER COMMISSION WAS CREATED IN 1976, THERE WAS NOT A PERMANENT POSITION ON IT THAT WAS SELECTED TO REPRESENT THE PRIVATE PROPRIETARY INSTITUTIONS IN THE FIELD OF POSTSECONDARY EDUCATION. THIS WAS DONE DESPITE THE FACT THAT ALL 49 OTHER STATES DID ADD SUCH A MEMBER TO THEIR COMMISSIONS, BUT AT THE TIME THE PRIVATE PROPRIETARY SECTOR IN OUR STATE EDUCATIONAL PROGRAMS WERE NOT A LARGE FORCE.

THIS HAS ALL CHANGED. PRIVATE PROPRIETARY SCHOOLS ARE NOW A SIZEABLE SEGMENT OF OUR EDUCATIONAL FORCE, AND THEIR REGULATION HAS BECOME ONE OF THE MAJOR ACTIVITIES OF THE COMMISSION. WHAT WE HAVE HERE IS REGULATION WITHOUT REPRESENTATION.

THIS BILL WOULD CORRECT THIS INJUSTICE BY ADDING A MEMBER FROM THE PRIVATE PROPRIETARY SECTOR, AND THE COMMISSION HAS INDICATED THAT IT WOULD BE ABLE TO ABSORB THE EXTRA TRAVEL AND PER DIEM COSTS.

THE BILL ALSO MAKES AN ADJUSTMENT IN THE MANNER IN WHICH THE TWO MEMBERS OF THE LEGISLATURE ARE APPOINTED TO THE COMMISSION, GIVING THE AUTHORITY TO THE PRESIDENT OF THE SENATE AND TO THE SPEAKER OF THE HOUSE.

THE OTHER PARTS OF THE BILL DEAL WITH REGULATORY CHANGES IN THE COMMISSION. FIRST, TO INCREASE THE ALTERNATIVE WAYS IN WHICH STUDENTS ENROLLED IN THESE SCHOOLS ARE PROTECTED AGAINST POSSIBLE BANKRUPTCIES, ETC, THE SCHOOLS ARE GIVEN ADDITIONAL OPTIONS BESIDES SURETY BONDING TO PROTECT THE STUDENTS, INCLUDING CASH DEPOSITS, OTHER SECURITIES, OR OTHER PROPERTY.

SECOND, THE COMMISSION IS SIMPLY GIVEN THE AUTHORITY TO REVOKE AN OPERATING LICENSE TO AN INSTITUTION THAT HAS CEASED TO OPERATE. CURRENTLY, INSTITUTIONS THAT HAVE LONG SINCE CEASED TO EXIST STILL HAVE TO BE CARRIED ON THE BOOKS; THIS ADJUSTMENT WOULD ALLOW THE COMMISSION TO PURGE THEIR FILES.

FINALLY, THIS BILL GIVES THE CONSUMER PROTECTION SECTION IN THE DEPARTMENT OF LAW THE AUTHORITY TO PURSUE CASES WHERE VIOLATIONS HAVE OCCURED IN THE LAWS AND STATUTES GOVERNING PRIVATE PROPRIETARY SCHOOLS.

THE BILL HAS A ZERO FISCAL NOTE, AND HAS THE SUPPORT OF THE COMMISSION AND THE PRIVATE PROPRIETARY SECTOR. AS A PERSON WHO HAS BENEFITED FROM THE PRIVATE PROPRIETARY SCHOOL PROGRAMS, I STRONGLY SUPPORT THIS BILL AND ASK FOR YOUR SUPPORT AS WELL. THANK YOU.

(Red--What follows is a brief explanation of what is going on with the consumer protection section mentioned above, in case you want to add it.)

(THE COMMISSION HAS THE STAFF TO INVESTIGATE AND ENFORCE REGULATIONS WITH THESE SCHOOLS, BUT THERE IS THE POSSIBILITY THAT MORE RIGOROUS PURSUIT OF A CASE MAY OCCASIONALLY BE CALLED FOR. IF THAT OCCURS, THE COMMISSION ITSELF WILL RSA FUNDS TO THE CONSUMER PROTECTION SECTION TO HANDLE THE CASE; WHICH IS WHY THERE IS A ZERO FISCAL NOTE FROM THE DEPARTMENT OF LAW. SINCE THE CURRENT STATUTES EXEMPT THE CONSUMER PROTECTION SECTION FROM DEALING WITH CASES RELATED TO THE ACTIVITIES OF BOARDS AND COMMISSIONS, AN ADJUSTMENT HAD TO BE MADE ON THIS POINT. IT WILL HELP THE COMMISSION TO PROTECT STUDENTS IN THE EVENT THAT A SCHOOL IS NOT BEHAVING IN A FASHION BENEFICIAL TO THOSE STUDENTS OR IS ENGAGING IN FRAUDULENT BEHAVIOR.)

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

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

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

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

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

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

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

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

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

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

disclosures specified by the commission by regulation; and that this information is provided to prospective students before enrollment;

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

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

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

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

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

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

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

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

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

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

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

HB 426 - Notes by Mike Bradno,

The Post Secondary Commission was created in 1972 under direction from the federal government and a concern that states should have a Post Secondary coordination structure capable of refereeing disputes between private and public colleges and other post secondary education institutions and programs.

Alaska at the time did not have a complex private/public higher education system, and as a result in the creation of the commission assigned to that group the function of administering the recently created Alaska Student Loan Program. For many years the primary function of the commission has been the administration of student loans, although in recent years the commission has taken assumed another sizable task ---that of licensing, regultating and inspection of Alaska's proprietary vocation education system.

The statutory makeup of the commission reflects the diverse interests which the commission is intended to coordinate. The commission was not an arms-length regulatory commission, but a participatory commission made up of the interests involved in Alaska Post Secondary Education.

For example, the statute prescribes:

- Two U-A Regents designated by the regents.
- A member designated by Sheldon Jackson, and a member designated by APU trustees.
- A member designated from the State Board of Education.
- One member designated by the State Advisory Council on Vocational Education from among its members.
- Two members from the Legislature designated by the Legislative Council and Budget and Audit Committee.
- A 'full time' student member.
- Four public members appointed by the governor.

The only interest group that was excluded was the state's prorpreitary vocation/techynical schools. A segment of Alaska's post secondary education structure that has now become QUITE LARGE.

This segment, which has grown quite rapidly in recent years, is now a major part of the business of the Post Secondary Commission and staff, and it would seem advisable that their input be included in the deliberations of the commission. This segment of our educational system is also an important weather-vane of changing post secondary education needs in the State, since their programs must be closely keyed to changing job needs and availability.

It is perhaps worth noting that we are not asking that these proprietary schools name this member, but only that the governor name one among their membership to serve ---and I might add serve at the pleasure of the governor.

HB 602  
\$10M  
-130 schools?  
Doubt  
2 years

UNAPPROVED MINUTES

February 28-March 1, 1986  
Juneau, Alaska

Alaska Commission on Postsecondary Education  
Box FP  
Juneau, Alaska

February 28-March 1, 1986 Meeting  
MINUTES

LEGISLATIVE CONCERNS

HB 426 - Adding member to Commission on Postsecondary Education.

Commissioner Clark moved that the Commission endorse HB 426. Ms. Smith seconded.  
The motion carried.

Introduced: 2/14/86  
Referred. Health, Education &  
Social Services and Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2

HOUSE BILL NO. 602

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 regulation of postsecondary  
7 institutions."

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

9 \* Section 1. AS 14.48.100 is amended by adding a new subsection to  
10 read:

11 (f) The commission may establish, by regulation, a surety fund,  
12 composed of payments made by postsecondary educational institutions,  
13 to accomplish the purposes of (a) of this section. If established,  
14 the fund is a special account in the general fund.

15 \* Sec. 2. AS 14.48.120 is amended to read:

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

24 (b) Authorization for an institution to operate, and a permit  
25 for an agent representing that institution, are revoked by operation  
26 of law 30 days after the institution ceases to operate. The commis-  
27 sion shall give the institution and the agent 15 days written notice,  
28 by registered mail sent to the institution's and agent's last address-  
29 es, respectively, before the revocation.

1           (c) An institution and the agent may appeal a revocation under  
2           (b) of this section by filing an appeal in writing with the commission  
3           within 30 days after the revocation.

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
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POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*HESS 4-24-86 1:37pm*



# 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

*11/7/89*  
\_\_\_\_\_  
Date

Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: HB 471

Sponsor: Eroll, Greenberg

Date referred to committee: 3/27/80

Synopsis completed:

Fiscal note:

Further referrals: Jud.

CONTACTS:

Frank Barthell, DFYS 3170

✓ Rep Goll, 4925 (Sherry)

✓ Gail Horvitzki, 3460

Barbara Miklos, COBSA

✓ Margo Dick 6-3650

- neglect & abuse  
- peace officer [law enforcement agency]

H B

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STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

Senate Health Education & Social Services Committee 4/10/86, 1:42 pm  
" " " " " " 4/15/86, 1:43 pm

COMMITTEE REPORT



SENATE

FURTHER: JUDICIARY

3/27/86

Date April 15, 1986

Mr. President

The Committee on HESS considered CSSSHB 471(Jud) relating to the abuse and exploitation of children.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

Joe Josephson  
Arthur Stanguloch

Ed De Vries N.R.  
Paul Frick N. Rec.

DeWayne J. Jansen  
Arthur Stanguloch  
Chairman

Chairman recommendation

# Alaska State Legislature

*Sandra*

BETTYE FAHRENKAMP, Chairman  
ARLISS STURGULEWSKI, Vice Chairman  
JOE JOSEPHSON  
PAUL FISCHER  
EDNA ARMSTRONG-DE VRIES



P. O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3762

## Senate Committee on Health, Education and Social Services

### M E M O R A N D U M

TO: Members, Senate Committee on Health, Education and Social Services

FROM: Committee Staff

RE: Committee Meeting, April 10, 1986

DATE: April 8, 1986

---

On Thursday, April 10, 1986 from 1:30-3:30 p.m. in the Beltz Room, the Senate Committee on Health, Education and Social Services will receive a briefing by the Department of Health and Social Services on implementation of our state's child protection laws. The Department has specifically been asked to address emergency custody procedures, treatment of runaway youth, the issue of parents rights in child protection proceedings, and recommendations for improvements to the system. The Department will be available for discussion of additional items as well.

In conjunction with the briefing, public testimony will be taken on:

CS SSHB 471 (Jud) Relating to abuse and exploitation of children

Current statute requires certain health and child care professionals to report suspected cases of abuse by "persons responsible for the child's welfare." HB 471 would expand the reporting requirement to include suspected abuse by persons not responsible for the child's welfare. Reports would be made to law enforcement agencies.

HB 471 is intended to encourage persons to report assaults against children by removing the burden of determining who caused the abuse.

Offered: 3/14/86  
Referred: Rules

Original sponsors: Goll and Gruenberg

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 471 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to the abuse and exploitation of  
7 children."

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

9 \* Section 1. AS 47.17.020 is amended by adding a new subsection to  
10 read:

11 (e) A person listed in (a) of this section, who in the perfor-  
12 mance of the person's occupational duties has cause to believe that a  
13 child has suffered harm as a result of abuse, shall promptly report  
14 the harm to the nearest <sup>police officer</sup> (law enforcement agency) if the person making  
15 the report (1) has cause to believe that the harm was caused by a  
16 person who is not responsible for the child's welfare; or (2) is  
17 unable to determine (A) who caused the harm to the child; or (B)  
18 whether the person who is believed to have caused the harm has respon-  
19 sibility for the child's welfare. If a person making a report under  
20 this subsection cannot reasonably contact the nearest <sup>police officer</sup> (law enforcement  
21 agency) and immediate action appears necessary for the well-being of  
22 the child, the person shall make the report to the nearest office of  
23 the department. The department shall take immediate action to protect  
24 the child and shall, at the earliest opportunity, notify the nearest  
25 law enforcement agency. In this subsection, "abuse" means the phys-  
26 ical injury, sexual abuse, sexual exploitation, or maltreatment of a  
27 <sup>(under heading 18)</sup> child by any person under circumstances that indicate that the child's  
28 health or welfare is harmed or threatened.

29 \* Sec. 2. AS 47.17.070(10) is amended to read:

OK.  
already defined

1                   (10) "sexual exploitation" includes [MEANS]  
2                   (A) allowing, permitting, or encouraging [PERMISSION  
3 OR ENCOURAGEMENT TO] a child to engage in [FOR] prostitution  
4 prohibited by AS 11.66.100 - 11.66.150, by a person responsible  
5 for the child's welfare;  
6                   (B) allowing, permitting, encouraging, or engaging in  
7 [PERMISSION, ENCOURAGEMENT, OR] activity [INVOLVED IN THE UNLAW-  
8 FUL EXPLOITATION OF A MINOR] prohibited by AS 11.41.455(a)  
9 [11.41.455], by a person responsible for the child's [MINOR'S]  
10 welfare.

**Sec. 47.17.010. Purpose.**

## NOTES TO DECISIONS

Cited in *Gerlach v. State*, Ct. App. Op.  
No. 468 (File No. A-501), P.2d  
(1985).

**Sec. 47.17.020. Persons required to report.** (a) The following persons who, in the performance of their occupational duties, have cause to believe that a child has suffered harm as a result of child abuse or neglect shall immediately report the harm to the nearest office of the department:

- (1) practitioners of the healing arts;
- (2) school teachers and school administrative staff members of public and private schools;
- (3) social workers;
- (4) peace officers, and officers of the Department of Corrections;
- (5) administrative officers of institutions;
- (6) child care providers;
- (7) paid employees of domestic violence and sexual assault programs, and crisis intervention and prevention programs as defined in AS 18.66.900.

(b) This section does not prohibit the named persons from reporting cases that have come to their attention in their nonoccupational capacities, nor does it prohibit any other person from reporting a child's harm that the person has cause to believe is a result of child abuse or neglect. These reports shall be made to the nearest office of the department.

(c) If the person making a report of harm under this section cannot reasonably contact the nearest office of the department and immediate action is necessary for the well-being of the child, the person shall make the report to a peace officer. The peace officer shall take immediate action to protect the child and shall, at the earliest opportunity, notify the nearest office of the department.

(d) This section does not require a religious healing practitioner to report as neglect of a child the failure to provide medical attention to the child if the child is provided treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner of the church or denomination. (§ 1 ch 100 SLA 1971; am §§ 4, 5 ch 104 SLA 1982; am E.O. No. 55, § 42 (1984); am §§ 8—10 ch 39 SLA 1985)

# Helping the abused

Legally mandated reports of child abuse would no longer point a finger at a suspect, under a bill passed by the state House earlier this week.

The bill solves a problem that inhibits reporting of child abuse. Alaska law now requires health and child care professionals to make a report, but only in cases of abuse by "a person responsible for the child's welfare," such as a parent or guardian.

Under this law, the worker's report can be construed as an accusation against the parent or guardian. If the person who discovers the abuse isn't sure who did it, he may not go out on a limb to report it. That's especially true in close-knit rural communities. Under the House bill, a report would carry no presumption of who committed the abuse, leaving that to the authorities to discover.

The bill also fixes an anomaly in the current law, which doesn't require a report if the suspect is not someone responsible for the child's welfare. The House bill would require those who work with children to report any abuse that endangers a child's health.

Abuse is one of the worst fates that can befall a child, but it can't be stopped until it's detected. Under HB 471, more abused children should get help because it will be easier to report their cases. The bill deserves swift approval in the Senate.

5-1-81  
3-26-86  
JUNEAU  
MAY 10 1985

## Wider reporting of abuse cases favored

JUNEAU (AP)—The House has passed a bill that would permit teachers, police officers, social workers and other professionals to report suspected cases of child abuse—no matter who they think might be to blame.

Current law says professionals are required to report suspected child abuse cases only when they believe the injury was caused by a parent or guardian.

The House measure would close a loophole by allowing people to report violence against a child without having to make an accusation against anyone, said Rep. Peter Goll, a Haines Democrat who is one of the prime sponsors of the bill.

The proposal passed the House Monday after lengthy debate about some of the language in the bill, but could come up for more discussion before being sent to the Senate.

A state attorney said the measure (CSHB471) would take the burden off professionals who think a

child has been abused, but aren't sure who caused the injury.

"The law should not place teachers, nurses, or day care workers in a position where they must try to guess the identity of the abuser in order to decide if they are required to report their concern for a battered or sexually abused child," Assistant Attorney General Gayle Horetski wrote in a letter to Goll last week.

House members passed the bill on a 36-to-3 vote, but not before a long debate about whether the measure makes it too easy for people to file unfounded child abuse charges.

Some legislators told stories of parents who were falsely accused of child abuse, yet subjected to public scorn because of the charges.

But two amendments which would have required stronger proof before suspected child abuse could be reported were defeated.

"All this does is say you no longer have to make a determination of

who the offender was," Goll said in an interview.

The measure has been strongly backed by the Departments of Law, Public Safety and Health and Social Services, he said.

3-76  
FAIRBANKS NEWS  
MAY 10 1985

State. Sup. Ct. Op.  
-50), 689 P.2d 472

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(d) If the court finds that probable cause exists, it shall determine whether the minor should be detained pending the hearing on the petition or released. It may either order the minor held in detention or released to the custody of a suitable person pending the hearing on the petition. If the court finds no probable cause, it shall order the minor released and close the case.

(e) Except for temporary detention pending a detention hearing, a minor may be detained only by court order.

(f) [Repealed, § 3 ch 42 SLA 1985.]

(g) [Repealed, § 3 ch 42 SLA 1985.](§ 15 art I ch 145 SLA 1957; am § 3 ch 118 SLA 1962; am § 2 ch 100 SLA 1971; am § 6 ch 104 SLA 1971; am §§ 1, 2 ch 128 SLA 1972; am §§ 1, 3 ch 42 SLA 1985)

Effect of amendments. — The 1985 amendment rewrote subsection (e) and repealed subsections (f) and (g).

**Sec. 47.10.141. Runaway and missing minors.** (a) Upon receiving a request to locate a minor evading the minor's legal custodian or to locate a minor otherwise missing, a law enforcement agency shall make reasonable efforts to locate the minor and shall immediately complete a missing person's report containing information necessary for the identification of the minor. As soon as practicable, but not later than 24 hours after completing the report, the agency shall transmit the report for entry into the Alaska Public Safety Information Network and the National Crime Information Center computer system. As soon as practicable, but not later than 24 hours after the agency learns that the minor has been located, it shall request that the Department of Public Safety and the Federal Bureau of Investigation remove the information from the computer systems.

(b) A peace officer shall take into protective custody a minor described in (a) of this section if the minor is not otherwise subject to arrest or detention. The peace officer shall honor the minor's preference to either (1) return the minor to the legal custodian or (2) take the minor to an office specified by the Department of Health and Social Services or a facility or contract agency of the department. If an office specified by the department or a facility or contract agency of the department does not exist in the community, the officer shall take the minor to another suitable location and promptly notify the department. A minor under protective custody may not be housed in a jail or other detention facility. Immediately upon taking a minor into protective custody the officer shall advise the minor orally and in writing of the right to social services under AS 47.10.142(b), and, if

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(b) A peace officer shall take into protective custody a minor described in (a) of this section if the minor is not otherwise subject to arrest or detention. The peace officer shall honor the minor's preference to either (1) return the minor to the legal custodian or (2) take the minor to an office specified by the Department of Health and Social Services or a facility or contract agency of the department. If an office specified by the department or a facility or contract agency of the department does not exist in the community, the officer shall take the minor to another suitable location and promptly notify the department. A minor under protective custody may not be housed in a jail or other detention facility. Immediately upon taking a minor into protective custody the officer shall advise the minor orally and in writing of the right to social services under AS 47.10.142(b), and, if

known, the officer shall advise the legal custodian that the minor has been taken into protective custody. (§ 2 ch 42 SLA 1985)

**Sec. 47.10.142. Emergency custody and temporary placement hearing.** (a) The Department of Health and Social Services may take emergency custody of a minor upon discovering any of the following circumstances:

(1) the minor has been abandoned;

(2) the minor has been grossly neglected by the minor's parents or guardian as "neglect" is defined in AS 47.17.070(5), and the department determines that immediate removal from the minor's surroundings is necessary to protect the minor's life or provide immediate necessary medical attention;

(3) the minor has been subjected to child abuse or neglect by a person responsible for the minor's welfare, as "child abuse or neglect" is defined in AS 47.17.070(1), and the department determines that immediate removal from the minor's surroundings is necessary to protect the minor's life or that immediate medical attention is necessary; or

(4) the minor has been sexually abused under circumstances listed in AS 47.10.010(a)(2)(D).

(b) A minor who has left home and is evading the person having legal custody of the minor may obtain the services of the department. The department shall assess the situation and furnish the minor with the social services it considers appropriate to protect the well-being of the minor and to preserve the minor's family life if preserving it is considered desirable under the circumstances. If, after assessing the situation, considering the wishes of the minor, and furnishing appropriate social services, the department considers it necessary, the department may take emergency custody of the minor.

(c) When a child is taken into custody under (a) or (b) of this section, the department shall immediately, and in no event more than 12 hours later unless prevented by lack of communication facilities, notify the parents or the person or persons having custody of the child. If the department determines that continued custody is necessary to protect the child, the department shall notify the court of the emergency custody by filing, within 12 hours after custody was assumed, a petition alleging that the child is a child in need of aid. If the department releases the child within 12 hours after taking the child into custody and does not file a child in need of aid petition the department shall, within 12 hours after releasing the child, file with the court a report explaining why the child was taken into custody.

(d) The court shall immediately, and in no event more than 48 hours after being notified unless prevented by lack of transportation, hold a hearing at which the minor, if the minor's health permits, and the minor's parents or guardian, if they can be found, shall be

§ 47.10.142

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§ 47.10.230 WELFARE, SOCIAL SERVICES & INSTITUTIONS § 47.10.230

permitted to be present. The court shall determine whether probable cause exists for believing the minor to be a child in need of aid, as defined in AS 47.10.290. The court shall inform the minor, and the minor's parents or guardian if they can be found, of the reasons given as constituting probable cause and the reasons given as authorizing the minor's temporary placement.

(e) If the court finds that probable cause exists it shall order the minor committed to the department for temporary placement, or order the minor returned to the custody of the minor's parents or guardian subject to the department's supervision of the minor's care and treatment. If the court finds no probable cause it shall order the minor returned to the custody of the minor's parents or guardian. (§ 3 ch 100 SLA 1971; am § 6 ch 104 SLA 1971; am § 24 ch 63 SLA 1977; am § 2 ch 104 SLA 1982; am §§ 6, 7 ch 39 SLA 1985)

Effect of amendments. — The 1985 amendment, effective July 1, 1985, rewrote subsections (a) and (c).

#### NOTES TO DECISIONS

Cited in *Gerlach v. State*, Ct. App. Op. No. 468 (File No. A-501), P.2d (1985).

#### Article 3. Care of Children.

**Sec. 47.10.230. Powers and duties of department over care of child.**

#### NOTES TO DECISIONS

Quoted in *In re J.R.S.*, Sup. Ct. Op. No. 2869 (File Nos. 7421, 7422), 690 P.2d 10 (1984).

#### Chapter 17. Child Protection.

Section  
20. Persons required to report  
23. Reports regarding child pornography  
64. Photographs and x-rays

Section  
68. Penalty for failure to report  
69. Protective injunctions  
70. Definitions

HB 471

BILL SHEFFIELD, GOVERNOR

REPLY TO

DEPARTMENT OF LAW

CRIMINAL DIVISION

March 21, 1986

CRIMINAL DIVISION CENTRAL OFFICE  
POUCH KC  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-328

OFFICE OF SPECIAL PROSECUTIONS  
AND APPEALS  
1031 WEST 4TH AVENUE, SUITE 318  
ANCHORAGE, ALASKA 99501-5993  
PHONE: (907) 279-7424

The Honorable Peter Goll  
Alaska House of Representatives  
P.O. Box V  
Juneau, Alaska 99811

Re: HB 471, "An Act relating to the abuse and neglect of children."

Dear Representative Goll:

Under existing law (AS 47.17.020(a)), certain professional persons such as doctors, social workers, and school teachers are required to report suspected cases of child abuse or neglect to the Department of Health and Social Services. These reporting requirements apply, however, only if the person required to report suspects that the harm to the child was caused by "a person who is responsible for the child's welfare," such as a parent or guardian. See AS 47.17.070(2) and (8).

HB 471 adds a new subsection (e) to existing AS 47.17.020, to require that the professional persons listed in AS 47.17.020(a) report all cases of suspected child abuse, regardless of the identity of the perpetrator. This is a beneficial change to existing law, as often a school teacher or day care worker who suspects that a child is being physically or sexually abused may have no knowledge as to the identity of the perpetrator. Under this new provision, unless there is reason to suspect that the perpetrator is a parent or guardian, reports of harm to a child would be made to the nearest law enforcement agency.

The law should not place teachers, nurses, or day care workers in a position where they must try to guess the identity of the abuser in order to decide if they are required to report their concern for a battered or sexually abused child. Under this bill, such persons would make a report, either to DHSS or to a local law enforcement agency, and social workers and/or police officers would then conduct an investigation to find out whom, if anyone, has been mistreating the child.

The Honorable Peter Goll

March 21, 1986

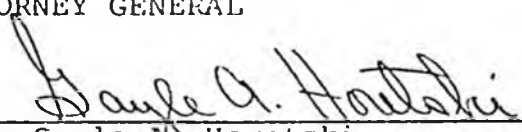
Page -2-

The Department of Law supports this tightening of the reporting requirements, contained in § 1 of all four versions of the bill. The protection of the law should be accorded to all abused or mistreated children, regardless of whether the perpetrator of the abuse is the child's parent, other relative, scout leader, babysitter, or a total stranger.

Very truly yours,

HAROLD M. BROWN  
ATTORNEY GENERAL

By:

  
Gayle A. Horetski  
Assistant Attorney General

GAH/gb-09

POSITION PAPER

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 471 (HESS)

For an Act entitled: "An Act relating to the abuse and neglect of children."

The bill as originally proposed would add to and clarify the responsibility of persons now required to report instances of suspected child abuse or neglect. It would make reporting mandatory in suspected instances of child abuse or neglect involving perpetrators who are not responsible for the child's welfare or in situations in which the perpetrator is unknown. The current statute requires that specified persons report only when it is suspected that the person responsible for the child's welfare is the perpetrator.

The amendment also requires that reports of abuse or neglect of this nature be reported to the nearest law enforcement agency, as distinguished from reports involving perpetrators within the family, which are reported to the Department of Health and Social Services.

The HESS Committee Substitute also added a new section two which would amend AS 47.17.07u(10) to broaden the definition of sexual exploitation. Our goal is to meet the federal model language for defining sexual exploitation and, thereby, close a possible loophole in the present definition. Under the current definition, a caretaker could be aware that a child was involved in sexually exploitative activities, but still not be held liable because, although aware, the caretaker did not actually give permission for the child to engage in the activity. Suggested language would not require affirmative action by the caretaker, and the department supports section two.

The department continues to support this bill.

RECOMMENDED:

Michael L. Price  
Michael L. Price, Director  
Division of Family  
and Youth Services

DATE:

March 12, 1986

APPROVED:

John R. Pugh  
for John R. Pugh, Commissioner  
Department of Health  
and Social Services

DATE:

March 12, 1986

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SSHB 471

January 31, 1986

Support

HB 471 - "An Act relating to the abuse and neglect of children."

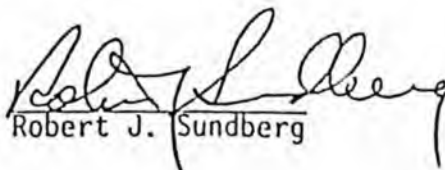
The Council on Domestic Violence and Sexual Assault supports HB 471 which adds a new section requiring that reports of harm to children caused by persons not responsible for the child's welfare be reported to law enforcement agencies. Existing legislation requires only reporting child abuse committed by persons responsible for a child's welfare.

Recent cases in Alaska and national studies show that non-familial child sexual assault is a major problem. In a study of child sexual abuse conducted by Dr. Anne Russell, an expert on adult and child sexual assault, 11 percent of the perpetrators were total strangers, 29 percent were relatives and 60 percent were known but unrelated to the victim.

It has been assumed that people accept their responsibility to report crimes against children to law enforcement agencies. However, this has not always proven to be the case. People may be reluctant to become involved with the criminal justice system because of the time required for the process. This reluctance is exacerbated in small communities where the alleged perpetrator is a peer and possibly a friend. This legislation provides a needed incentive to assure reporting of all assaults against children.

In order to more fully guarantee protection of children, all suspicions of child abuse should be investigated so the abuse can be stopped and the child and her/his family can receive the necessary support and treatment to overcome the trauma.

A suggested change to be made in the bill is to make the language in the bill that refers to the "nearest law enforcement agency" consistent with the language in the existing statute 47.17.020(c), to make reports to "a peace officer".

  
Robert J. Sundberg

TO: SENATOR JAN FAIKS  
SENATOR RICK HALFORD

FROM: ELIZABETH J. HICKERSON

SUBJECT: LEGISLATIVE BUDGET AND AUDIT CONCERNING  
TROUBLED AND RUNAWAY YOUTH

DATE: APRIL 7, 1986

Based on my experience with the state agencies and their grantees which provide services to troubled and runaway youths and their families, it is my conclusions that things are not going well. Intent language for an assessment and plan for troubled and runaways youths has already been submitted for inclusion in Health and Social Services budget.

In order to gather needed information on this issue, I believe that Budget and Audit should do a review, similar to the one prepared on the Division of Mental Health and Developmental Disabilities. There are several agencies which should be included: Family and Youth Services, Youth Services, Mental Health and Developmental Disabilities, Alcohol and Drug Abuse Services, the Department of Education, state and local law enforcement agencies, and the court system.

The grantees of these agencies provide crucial services and therefore should be included. Foster care, residential child care, community mental health grants, and drug and alcohol abuse grants are several service providers for review.

The purpose of the report should include:

1. Evaluation of the management, administrative, and budgetary operations of these agencies and their grantees for economy and efficiency in achieving program results as established by law and regulation.
2. Determination of the extent of coordination of efforts between these agencies including their grantees in the delivery of services.
3. Evaluation of the criteria, procedures, and case management for referral, handling and treatment of troubled and runaway youths and their families by these agencies and their grantees.

Suggested intent language for assessment and plan for troubled youth, <sup>and</sup> including runaways, for inclusion in the Health and Social Services Budget.

\$30,000 is appropriated for a needs assessment and plan for severely troubled youth, <sup>and</sup> including runaways, ~~who have multiple~~ needs.

St. -  
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committee

The Commissioners of the Departments of Health and Social Services and Education will jointly appoint a responsible party for ensuring the completion of a needs assessment and the development of a state plan for the handling of severely troubled and runaway youths and for providing services to these youths. The plan shall be submitted to the Speaker of the House of Representatives, the President of the Senate, and the Governor no later than February 1, 1987.

The plan shall include:

1. Needs assessment for the state to include a count of troubled youth and runaways.
2. Criteria and procedures for handling and referral of troubled youths and runaway youths using the least restrictive alternatives available.
3. Provisions for contacting parents or guardians;
4. Review and analysis of the impact of statutes related to serving troubled youth across agencies and departments.
5. Policy for coordinating relationships between involved agencies, runaway youth centers, law enforcement agencies, and the departments;
6. Policy for ensuring that treatment programs do not exclude troubled youth on the basis of running away;
7. Statewide statistics on client groups;
8. An estimate of funding needed to appropriately serve this population;
9. Standards and program goals for treatment services for troubled youths, <sup>and</sup> including runaways, with emphasis on early intervention, aftercare, and coordination of services across all involved agencies.

DOE/RSA?

Include

goal -  
DHS services affect  
entire children  
family  
urgency,  
coordination  
separation

leg. audit - needs of troubled children  
DOE - emotionally disturbed  
DMH - severely emot. disturb  
DFYS - child in custody or being, who are  
and their  
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# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ARLISS STURGULEWSKI, Vice Chairman  
JOE JOSEPHSON  
PAUL FISCHER  
EDNA ARMSTRONG-DE VRIES



P. O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3614  
(907) 465-3762

## Senate Committee on Health, Education and Social Services

### M E M O R A N D U M

TO: Members, Senate Committee on Health, Education and Social Services

FROM: Committee Staff

RE: Committee Meeting, April 15, 1986

DATE: April 11, 1986

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On Tuesday, April 15, 1986 from 1:30-3:30 p.m. in the Beltz Room, the Senate Committee on Health, Education and Social Services will hear the following legislation:

CS SSHB 471 (Jud) Relating to abuse and exploitation of children

Current statute requires certain health and child care professionals to report suspected cases of abuse by "persons responsible for the child's welfare." HB 471 would expand the reporting requirement to include suspected abuse by persons not responsible for the child's welfare. Reports would be made to law enforcement agencies.

HB 471 is intended to encourage persons to report assaults against children by removing the burden of determining who caused the abuse.

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

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

**REQUEST**

Bill/Resolution No. : CS SS HB471(HESS) No 1  
 Title : "An Act relating to the abuse and neglect of children"  
 Sponsor : Goli and Gruenberg  
 Requestor : H. Judiciary  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Council on Domestic Violence and Sexual Assault  
 Components : \_\_\_\_\_

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

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

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

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

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

*K. L. L.*  
 Prepared by: Barbara Miklos, Exec. Director Phone: 465-4356  
 Division: COUNCIL on DV/SA Date: 2/10/86

Approved by Commissioner: *[Signature]* Date: 2/13/86  
 Agency: Dept. of Public Safety

Distribution (by Agency preparing fiscal note):

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

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

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

**REQUEST**

Bill Resolution No. : SSHB 471  
 Title : "an act relating to the abuse and neglect of children."  
 Sponsor : Rep. Goll and Rep. Gruenberg  
 Requestor : H. HESS  
 Date of Request : 1/28/86

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Alaska State Troopers  
 Components : \_\_\_\_\_

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

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

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared by: *Kathy Niles*  
 Kathy Niles, Admin. Ass't  
 Division : Commissioner's Office  
 Phone : 465-4336  
 Date : 1/27/86

Approved by Commissioner: *[Signature]*  
 Agency : Public Safety  
 Date : 1/28/86

Distribution (by Agency preparing fiscal note):

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

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

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

**REQUEST**

Bill/Resolution No. : SS HB 471  
 Title : An Act relating to Abuse and Neglect of Children  
 Sponsor : Goll and Gruenberg  
 Requestor : \_\_\_\_\_  
 Date of Request : 1/24/86

**FISCAL DETAIL**

Agency Affected : Health & Social Services  
 BRU : Social Services  
Youth Services  
 Components : \_\_\_\_\_

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

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

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

Prepared by : Michael L. Price, Director  
 Division : Family and Youth Services

Phone : 465-3170  
 Date : January 27, 1986

Approved by Commissioner : John R. Pugh  
 Agency : Health and Social Services

Date : 1/28/86

Distribution (by Agency preparing fiscal note) :

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

# STATE OF ALASKA

## DEPARTMENT OF PUBLIC SAFETY

### COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

BILL SHEFFIELD, GOVERNOR

POUCH N  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-4356

OFFICE ADDRESS: 450 WHITTIER STRE.

October 31, 1985

The Honorable Mike Miller, Chair  
House Judiciary Committee  
Alaska State Legislature  
Capitol Building  
Pouch V  
Juneau, Alaska 99811

Dear Representative Miller:

I've learned about your interim hearings to address legislation to further protect children. Thank you for the attention your committee has and continues to pay to these issues. I cannot attend the hearings on November 21-23, so I am writing this letter to provide input to your process.

The Council on Domestic Violence and Sexual Assault is grateful for the legislation regarding child protection that passed last session. It clarified and closed gaps in existing legislation. One section of HB88 that did not pass, which we feel is important, required reporting of child abuse committed by an individual who is not responsible for the child's welfare. Section 18 of the original HB88 amended AS 47.17 to address what we consider a major gap in the existing system.

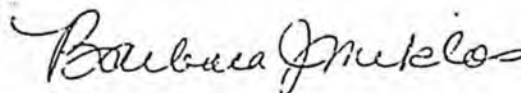
AS 47.17.02 requires reporting to the Department of Health and Social Services if "in the performance of their professional duties", a person listed in statute has "cause to believe that a child has suffered harm as a result of abuse or neglect". Section 47.17.070(i) defines child abuse or neglect as "the physical injury or neglect, sexual abuse, sexual exploitation or maltreatment of a child...by a person who is responsible for the child's welfare..." Therefore, there is no existing mandate for a professional to report abuse by a non-caretaker. For instance, a teacher who has reason to believe that another teacher is harming a child is not mandated to report.

Although, national statistics show that most abuse occurs in the home, it is obvious from talking to Alaskan professionals and reading the newspaper and police reports that there are many non-family incidences in our state. Often parents can and do take action if a non-family member is abusing the child. However, they may not know that abuse is occurring or where to turn if it does. Reporting these crimes will further protect children.

Representative Mike Miller  
October 31, 1985  
Page Two

We also feel it is necessary for the system to address the emotional needs of the child victims and families when abuse is by a person who is not responsible for the child's welfare. Presently, in Alaska, there are insufficient support and treatment resources for these cases. Domestic violence and sexual assault programs provide support, assistance and, in some cases, counseling to victims and their families. However, these services are severely limited due to insufficient funding. In order to address the needs of all victims and their families, legislation must address child protection adequately and resources must be provided so children throughout the state are given the services they need to grow up to be healthy adults.

Sincerely,



Barbara Miklos  
Executive Director

cc: Members, Council on Domestic  
Violence & Sexual Assault

Council funded programs

# ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

130 Seward, No. 501 • Juneau, Alaska 99801 • (907) 586-3650

- Abused Women's Aid in Crisis (AWA/C);
- Advocates for Victims of Violence (AVV);
- Aiding Women in Abuse and Rape Emergencies (AWARE);
- Alaska Women's Resource Center (AWRC); Arctic Women in Crisis (AWIC);
- Bering Sea Women's Group (BSWG);
- Cordova Women's Resource Center (CWRC); Emmonak Women's Shelter;
- Kodiak Women's Resource & Crisis Center (KWRC); MEN, Inc.;
- Men's Support Network (MSN); Safe & Fear-Free Environment (SAFE);
- Sitka's Against Family Violence (SAFV);
- Southwestern Alaska Council for the
- Prevention of Child Sexual Assault (SWACPSA);
- South Peninsula Women's Services (SWPS);
- Tundra Women's Coalition (TWC); Valley Women's Resource Center (VWRC);
- Women in Crisis Counseling & Assistance (WICCA);
- Women in Safe Homes (WISH); Women's Resource & Crisis Center (WRCC)

## POSITION PAPER: HB 471

The Alaska Network on Domestic Violence and Sexual Assault is a membership organization composed of 19 programs that provide domestic violence and sexual assault services throughout the state. We provide member programs with training, technical assistance and information concerning current issues in the field.

The Network supports House Bill 471. Statistics from the U.S. Dept. of Justice's National Symposium, Oct., 1984 (unpublished report), reveal that in 1984, 1 in 3 females and 1 in 3 males between the ages of 3 to 18 years had been sexually abused. 64 percent of these children were abused by non-family members. Most other studies indicate a significantly higher incidence of abuse outside of the family. Further research reports indicate that in 76 to 90 percent of all reported cases of child sexual abuse, the offender is either a relative or is known to the victim (Finkelhor, 1978; U.S. Dept. of Justice Symposium, 1984; Conte and Berliner, 1981). Taken together, the research infers that most reported offenses are committed by non-family members who are known to the children.

Many of the same factors that make it unlikely a child will report an incest violation also operate for a child who has been abused by someone they know. People sometimes find it difficult to accept this possibility and believe a child, a child is embarrassed and fears other repercussions. This can be especially true in Alaska's small villages and towns where many people have known each other for the better part of their lives.

The Network feels it is essentially sound public policy to clearly define child abuse as unacceptable behavior whether it occurs inside or outside of the family. We feel that this legislation moves us closer towards this goal by helping to ensure that cases of child abuse will be reported whether or not they occur within or outside of the family.

In fact, we believe that in many instances this legislation may make it easier for required reporters to report. These reporters will no longer be put in the position of "accusing the family" since they will be required to report suspected abuse irregardless of whether it occurred inside or outside of the family. It will be up to others who work in the field to make a determination as to who the abuser might be.



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL AMENDMENT REPORT

DEPARTMENT Health & Social Serv.	DIVISION <i>Amendment 2 Recd</i> Family & Youth Serv.	BILL NUMBER HB 471	SPONSOR
DEPARTMENT POSITION Support			
PREPARED	DATE	COMMISSIONER'S SIGNATURE <i>John P. ...</i>	DATE 3/21/86

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Public Safety	CONSTITUENT GROUP(S) AFFECTED BY BILL Child victims of sexual exploitation and perpetrators.
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

CHANGE IN FISCAL IMPACT:  NO  YES — NEW FISCAL NOTE ATTACHED

COMPARISON TO LAST VERSION/PROGRAM EFFECTS

For an Act entitled: "An Act relating to the abuse and neglect of children."

The bill as originally proposed would add to and clarify the responsibility of persons now required to report instances of suspected child abuse or neglect. It would make reporting mandatory in suspected instances of child abuse or neglect involving perpetrators who are not responsible for the child's welfare or in situations in which the perpetrator is unknown. The current statute requires that specified persons report only when it is suspected that the person responsible for the child's welfare is the perpetrator.

AMENDMENTS PROPOSED

The amendment requires that reports of abuse or neglect of this nature be reported to the nearest law enforcement agency, as distinguished from reports involving perpetrators within the family, which are reported to the Department of Health and Social Services.

HESS Committee Substitute also added a new section two which would amend AS 47.17.070(10) to broaden the definition of sexual exploitation. Our goal is to meet the federal model language for defining sexual exploitation and, thereby, close a possible loophole in the present definition. Under the current definition, a caretaker could be aware that a child was involved in sexually exploitative activities, but still not be held liable because, although aware, the

Amendments Proposed (Continued)

caretaker did not not actually give permission for the child to engage in the activity. Suggested language would not require affirmative action by the caretaker, and the department supports section two.

# ALASKA WOMEN'S LOBBY

POST OFFICE BOX 10-1571. ANCHORAGE. ALASKA 99510

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March 6, 1986

Honorable Mike M. Miller, Chairman  
House Judiciary Committee

Mr. Chairman and members of the committee:

The Alaska Women's Lobby would like to express it's strong support for HB 471 which addresses a serious loophole in the state's reporting statute on child abuse and neglect.

The flaw requires that the person who recognizes that a child has suffered harm must first make a determination of who caused the harm and is only required to report if they believe the harm was caused by a person responsible for the child's welfare.

This legislation addresses that flaw by requiring that all suspected cases of child abuse and neglect must be reported regardless of who may have caused the harm. It also clarifies the definition of child sexual exploitation.

We believe the changes provided by HB 471 will benefit the welfare of Alaskan children and we urge it's passage.

Thank you for your consideration.

*Sherrie Goll*

Sherrie Goll  
Alaska Women's Lobby



ALASKA  
CHAPTER

NATIONAL ASSOCIATION OF  
SOCIAL WORKERS

April 2, 1986

The Honorable Rick Halford  
Alaska State Legislature  
Box V (MS 3100)  
Juneau, Alaska 99811

Dear Senator Halford:

Thank you for the assistance you have continued to give the Alaska Chapter of NASW regarding the implementation of a foster care review system by the Alaska Division of Family and Youth Services, in response to the requirements of Public Law 96-272. We are aware of the permanency planning project in Southeastern Alaska which is implementing an independent foster care review demonstration project in conjunction with the Division under the auspices of the First Judicial District.

Because of recent progress which has been made on the problems of long term foster care placements in Alaska, the Alaska Chapter NASW, Board of Directors has determined that it would be beneficial to permit these review systems to operate for a time and be evaluated rather than pursue passage of House Bill 297 at this point.

In conjunction with that determination, however, we still have a number of concerns. First, we are concerned that the foster care review system be implemented on a statewide basis and we have requested from the Division a copy of their plan and timetable. Second, we are in the process of providing to the Division recommendations for change in their manual which would strengthen parents' meaningful participation in the process. Third, there is a need for research, data collection, and an evaluative comparison of the two approaches (administrative versus independent) over time which should be built into the present activities. However, there is a need to extend the present demonstration project in Southeast Alaska until December 1, 1986 so that valid comparisons can be made. We are hopeful that you will be willing to support the continuation of that demonstration project.

Fourth, there is a need for data to be collected and analyzed on the relationship of these foster care review systems to obtaining permanent placements for children, and the cost savings, if any, to the State of Alaska.

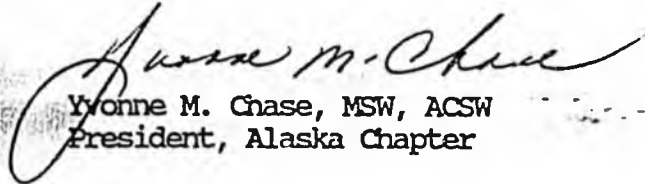
P.O. Box 101394 • Anchorage, Alaska 99510 • (907) 274-4479

P.O. Box 10430 • Fairbanks, Alaska 99710 • (907) 457-5914

We are hopeful that improvement in the present approach will result in achieving the goal of permanent placements for children in foster care so that no further action toward passage of foster care review legislation will be necessary. If this goal is not achieved, NASW will be reactivating our efforts to secure legislation.

Your assistance on behalf of foster children and their families is greatly appreciated.

Sincerely,



Yvonne M. Chase, MSW, ACSW  
President, Alaska Chapter

YMC/kw

cc: Representative Sund  
Representative Cotten  
Michael Price, Director, Division of Family and Youth Services