

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

10754 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

Alaska Statute 12.55.155 Factors in Aggravation and Mitigation
HB 380 Aggravating Factors for Drug Overdose Sale
House HESS Committee Hearing
February 12, 2004

- (11) the defendant committed the offense pursuant to an agreement that the defendant either pay or be paid for the commission of the offense, and the pecuniary incentive was beyond that inherent in the offense itself;
- (12) the defendant was on release under AS 12.30.020 or 12.30.040 for another felony charge or conviction or for a misdemeanor charge or conviction having assault as a necessary element;
- (13) the defendant knowingly directed the conduct constituting the offense at an active officer of the court or at an active or former judicial officer, prosecuting attorney, law enforcement officer, correctional employee, fire fighter, emergency medical technician, paramedic, ambulance attendant, or other emergency responder during or because of the exercise of official duties;
- (14) the defendant was a member of an organized group of five or more persons, and the offense was committed to further the criminal objectives of the group;
- (15) the defendant has three or more prior felony convictions;
- (16) the defendant's criminal conduct was designed to obtain substantial pecuniary gain and the risk of prosecution and punishment for the conduct is slight;
- (17) the offense was one of a continuing series of criminal offenses committed in furtherance of illegal business activities from which the defendant derives a major portion of the defendant's income;
- (18) the offense was a felony
 - (A) specified in AS 11.41 and was committed against a spouse, a former spouse, or a member of the social unit comprised of those living together in the same dwelling as the defendant;
 - (B) specified in AS 11.41.410 - 11.41.458 and the defendant has engaged in the same or other conduct prohibited by a provision of AS 11.41.410 - 11.41.460 involving the same or another victim; or
 - (C) specified in AS 11.41 that is a crime involving domestic violence and was committed in the physical presence or hearing of a child under 16 years of age who was, at the time of the offense, living within the residence of the victim, the residence of the perpetrator, or the residence where the crime involving domestic violence occurred;
- (19) the defendant's prior criminal history includes an adjudication as a delinquent for conduct that would have been a felony if committed by an adult;
- (20) the defendant was on furlough under AS 33.30 or on parole or probation for another felony charge or conviction that would be considered a prior felony conviction under AS 12.55.145 (a)(1)(B);

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- (21) the defendant has a criminal history of repeated instances of conduct violative of criminal laws, whether punishable as felonies or misdemeanors, similar in nature to the offense for which the defendant is being sentenced under this section;
- (22) the defendant knowingly directed the conduct constituting the offense at a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry, or national origin;
- (23) the defendant is convicted of an offense specified in AS 11.71 and
 - (A) the offense involved the delivery of a controlled substance under circumstances manifesting an intent to distribute the substance as part of a commercial enterprise; or
 - (B) at the time of the conduct resulting in the conviction, the defendant was caring for or assisting in the care of a child under 10 years of age;
- (24) the defendant is convicted of an offense specified in AS 11.71 and the offense involved the transportation of controlled substances into the state;
- (25) the defendant is convicted of an offense specified in AS 11.71 and the offense involved large quantities of a controlled substance;
- (26) the defendant is convicted of an offense specified in AS 11.71 and the offense involved the distribution of a controlled substance that had been adulterated with a toxic substance;
- (27) the defendant, being 18 years of age or older,
 - (A) is legally accountable under AS 11.16.110 (2) for the conduct of a person who, at the time the offense was committed, was under 18 years of age and at least three years younger than the defendant; or
 - (B) is aided or abetted in planning or committing the offense by a person who, at the time the offense was committed, was under 18 years of age and at least three years younger than the defendant;
- (28) the victim of the offense is a person who provided testimony or evidence related to a prior offense committed by the defendant;
- (29) the defendant committed the offense for the benefit of, at the direction of, or in association with a criminal street gang;
- (30) the defendant is convicted of an offense specified in AS 11.41.410 - 11.41.455, and the defendant knowingly supplied alcohol or a controlled substance to the victim in furtherance of the offense with the intent to make the victim incapacitated; in this paragraph, "incapacitated" has the meaning given in AS 11.41.470 .

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(d) The following factors shall be considered by the sentencing court and may mitigate the presumptive terms set out in AS 12.55.125 :

- (1) the offense was principally accomplished by another person, and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim;
- (2) the defendant, although an accomplice, played only a minor role in the commission of the offense;
- (3) the defendant committed the offense under some degree of duress, coercion, threat, or compulsion insufficient to constitute a complete defense, but which significantly affected the defendant's conduct;
- (4) the conduct of a youthful defendant was substantially influenced by another person more mature than the defendant;
- (5) the conduct of an aged defendant was substantially a product of physical or mental infirmities resulting from the defendant's age;
- (6) in a conviction for assault under AS 11.41.200 - 11.41.220, the defendant acted with serious provocation from the victim;
- (7) except in the case of a crime defined by AS 11.41.410 - 11.41.470, the victim provoked the crime to a significant degree;
- (8) [Repealed, Sec. 42 ch 143 SLA 1982].
- (9) the conduct constituting the offense was among the least serious conduct included in the definition of the offense;
- (10) before the defendant knew that the criminal conduct had been discovered, the defendant fully compensated or made a good faith effort to fully compensate the victim of the defendant's criminal conduct for any damage or injury sustained;
- (11) the defendant was motivated to commit the offense solely by an overwhelming compulsion to provide for emergency necessities for the defendant's immediate family;
- (12) the defendant assisted authorities to detect, apprehend, or prosecute other persons who committed an offense;
- (13) the facts surrounding the commission of the offense and any previous offenses by the defendant establish that the harm caused by the defendant's conduct is consistently minor and inconsistent with the imposition of a substantial period of imprisonment;
- (14) the defendant is convicted of an offense specified in AS 11.71 and the offense involved small quantities of a controlled substance;
- (15) the defendant is convicted of an offense specified in AS 11.71 and the offense involved the distribution of a controlled substance, other than a schedule IA

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controlled substance, to a personal acquaintance who is 19 years of age or older for no profit;

(16) the defendant is convicted of an offense specified in AS 11.71 and the offense involved the possession of a small amount of a controlled substance for personal use in the defendant's home;

(17) in a conviction for assault or attempted assault or for homicide or attempted homicide, the defendant acted in response to domestic violence perpetrated by the victim against the defendant and the domestic violence consisted of aggravated or repeated instances of assaultive behavior.

(e) If a factor in aggravation is a necessary element of the present offense, or requires the imposition of a presumptive term under AS 12.55.125(c)(2), that factor may not be used to aggravate the presumptive term. If a factor in mitigation is raised at trial as a defense reducing the offense charged to a lesser included offense, that factor may not be used to mitigate the presumptive term.

(f) If the state seeks to establish a factor in aggravation at sentencing or if the defendant seeks to establish a factor in mitigation at sentencing, written notice must be served on the opposing party and filed with the court not later than 10 days before the date set for imposition of sentence. Factors in aggravation and factors in mitigation must be established by clear and convincing evidence before the court sitting without a jury. All findings must be set out with specificity.

(g) Voluntary alcohol or other drug intoxication or chronic alcoholism or other drug addiction may not be considered an aggravating or mitigating factor.

(h) In this section, "serious provocation" has the meaning given in AS 11.41.115(f).

Chapter 11.71 CONTROLLED SUBSTANCES

AS 11.71.010. Misconduct involving a controlled substance in the first degree.

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the first degree if the person

- (1) delivers any amount of a schedule IA controlled substance to a person under 19 years of age who is at least three years younger than the person delivering the substance;
- (2) delivers any amount of a schedule IIA or IIIA controlled substance to a person under 19 years of age who is at least three years younger than the person delivering the substance; or
- (3) engages in a continuing criminal enterprise.

(b) For purposes of this section, a person is engaged in a "continuing criminal enterprise" if

- (1) the person commits a violation of this chapter which is punishable as a felony; and
- (2) that violation is a part of a continuing series of five or more violations of this chapter
 - (A) which the person undertakes in concert with at least five other persons organized, supervised, or otherwise managed by the person; and
 - (B) from which the person obtains substantial income or resources.

(c) Misconduct involving a controlled substance in the first degree is an unclassified felony and is punishable as provided in AS 12.55.

AS 11.71.020. Misconduct involving a controlled substance in the second degree.

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the second degree if the person

- (1) manufactures or delivers any amount of a schedule IA controlled substance or possesses any amount of a schedule IA controlled substance with intent to manufacture or deliver;
- (2) manufactures any material, compound, mixture, or preparation that contains
 - (A) methamphetamine, or its salts, isomers, or salts of isomers; or
 - (B) an immediate precursor of methamphetamine, or its salts, isomers, or salts of isomers;
- (3) possesses an immediate precursor of methamphetamine, or the salts, isomers, or salts of isomers of the immediate precursor of methamphetamine, with the intent to manufacture any material compound, mixture, or preparation that contains methamphetamine, or its salts, isomers, or salts of isomers; or
- (4) possesses a listed chemical with intent to manufacture any material, compound, mixture, or preparation that contains
 - (A) methamphetamine, or its salts, isomers, or salts of isomers; or
 - (B) an immediate precursor of methamphetamine, or its salts, isomers, or salts of isomer.

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(b) In this section, "listed chemical" means a chemical described under AS 11.71.200 .

(c) Misconduct involving a controlled substance in the second degree is a class A felony.

AS. 11.71.030. Misconduct involving a controlled substance in the third degree.

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the third degree if the person

(1) under circumstances not proscribed under AS 11.71.020 (a)(2) - (4), manufactures or delivers any amount of a schedule IIA or IIIA controlled substance or possesses any amount of a schedule IIA or IIIA controlled substance with intent to manufacture or deliver;

2) delivers any amount of a schedule IVA, VA, or VIA controlled substance to a person under 19 years of age who is at least three years younger than the person delivering the substance; or

(3) possesses any amount of a schedule IA or IIA controlled substance

(A) with reckless disregard that the possession occurs

(i) on or within 500 feet of school grounds; or

(ii) at or within 500 feet of a recreation or youth center; or

(B) on a school bus.

(b) It is an affirmative defense to a prosecution under (a)(3)(A) of this section that the prohibited conduct took place entirely within a private residence located within 500 feet of the school grounds or recreation or youth center, and that the prohibited conduct did not involve distributing, dispensing, or possessing with the intent to distribute or dispense a controlled substance for profit. Nothing in this subsection precludes a prosecution under any other provision of this section or any other section of this chapter.

(c) Misconduct involving a controlled substance in the third degree is a class B felony.

AS 11.71.040. Misconduct involving a controlled substance in the fourth degree.

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the fourth degree if the person

(1) manufactures or delivers any amount of a schedule IVA or VA controlled substance or possesses any amount of a schedule IVA or VA controlled substance with intent to manufacture or deliver;

(2) manufactures or delivers, or possesses with the intent to manufacture or deliver, one or more preparations, compounds, mixtures, or substances of an aggregate weight of one ounce or more containing a schedule VIA controlled substance;

(3) possesses

(A) any amount of a schedule IA or IIA controlled substance;

(B) 25 or more tablets, ampules, or syrettes containing a schedule IIIA or IVA controlled substance;

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(C) one or more preparations, compounds, mixtures, or substances of an aggregate weight of three grams or more containing a schedule IIIA or IVA controlled substance;

(D) 50 or more tablets, ampules, or syrettes containing a schedule VA controlled substance;

(E) one or more preparations, compounds, mixtures, or substances of an aggregate weight of six grams or more containing a schedule VA controlled substance;

(F) one or more preparations, compounds, mixtures, or substances of an aggregate weight of one pound or more containing a schedule VIA controlled substance; or

(G) 25 or more plants of the genus cannabis;

(4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance

(A) with reckless disregard that the possession occurs

(i) on or within 500 feet of school grounds; or

(ii) at or within 500 feet of a recreation or youth center; or

(B) on a school bus;

(5) knowingly keeps or maintains any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for keeping or distributing controlled substances in violation of a felony offense under this chapter or AS 17.30;

(6) makes, delivers, or possesses a punch, die, plate, stone, or other thing which prints, imprints, or reproduces a trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of these upon a drug, drug container, or labeling so as to render the drug a counterfeit substance;

(7) knowingly uses in the course of the manufacture or distribution of a controlled substance a registration number that is fictitious, revoked, suspended, or issued to another person;

(8) knowingly furnishes false or fraudulent information in or omits material information from any application, report, record, or other document required to be kept or filed under AS 17.30;

(9) obtains possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge; or

(10) affixes a false or forged label to a package or other container containing any controlled substance.

(b) It is an affirmative defense to a prosecution under (a)(4)(A) of this section that the prohibited conduct took place entirely within a private residence located within 500 feet of the school grounds or recreation or youth center. Nothing in this subsection precludes a prosecution under any other provision of this section or any other section of this chapter.

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(c) Nothing in (a)(5) or (6) of this section precludes a prosecution or civil proceeding brought under any other provision of this section or any other section of this chapter or under AS 17.

(d) Misconduct involving a controlled substance in the fourth degree is a class C felony.

AS 11.71.050. Misconduct involving a controlled substance in the fifth degree.

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the fifth degree if the person

(1) manufactures or delivers, or possesses with the intent to manufacture or deliver, one or more preparations, compounds, mixtures, or substances of an aggregate weight of one-half ounce or more containing a schedule VIA controlled substance;

(2) manufactures or delivers, or possesses with the intent to manufacture or deliver, one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than one-half ounce containing a schedule VIA controlled substance, for remuneration;

(3) possesses

(A) less than 25 tablets, ampules, or syrettes containing a schedule IIIA or IVA controlled substance;

(B) one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than three grams containing a schedule IIIA or IVA controlled substance;

(C) less than 50 tablets, ampules, or syrettes containing a schedule VA controlled substance;

(D) one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than six grams containing a schedule VA controlled substance; or

(E) one or more preparations, compounds, mixtures, or substances of an aggregate weight of one-half pound or more containing a schedule VIA controlled substance; or

(4) fails to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under AS 17.30.

(b) Misconduct involving a controlled substance in the fifth degree is a class A misdemeanor.

AS 11.71.060. Misconduct involving a controlled substance in the sixth degree.

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the sixth degree if the person

(1) uses or displays any amount of a schedule VIA controlled substance or possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than one-half pound containing a schedule VIA controlled substance;

or

(2) refuses entry into a premise for an inspection authorized under AS 17.30.

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(b) Misconduct involving a controlled substance in the sixth degree is a class B misdemeanor.

AS 11.71.140 Schedule IA

A Substance shall be placed in Schedule IA if it is found under AS 11.71.120 to have the highest degree of danger or probable danger to a person or the public. Schedule IA includes the following substances whether produced directly, by chemical synthesis, or by a combination of both.

Opium and its salts, compounds, or preparations	Opiates			Opium Derivatives
Raw opium	Acetylmethadol	Hydroxypethidine	Propiram	Acetorphine
Opium extract	Allylprodine	Isomethadone	Racemethorphan	Acetyldihydrocodeine
Opium fluid extract	Alphacetylmethadol	Ketobemidone	Racemoramide	Benzylmorphine
Powdered opium	Alphameprodine	Levomethorphan	Racemorphan	Codeine Methylbromide
Granulated Opium	Alphamethadol	Levonoramide	Trimeperidine	Codeine-n-oxide
Infuse of Opium	Alphaprodine	Levorphanol	Alfentanil	Cyprenorphine
Codeine	Anileridine	Levophenacymorphan	Alpha-methylfentanyl	Desomorphine
Ethylmorphine	Benzethidine	MPPP	Bulk dextropropoxyphene	Dihydromorphine
Etorphine hydrochloride	Betacetylmethadol	PEPAP	Carfentanil	Drotebanol
Hydrocodone	Betameprodine	Meperidine	Sufentanil	Etorphine
Hydromorphone	Betamethadol	Metazocine	Tilidine	Heroin
Metopon	Betaprodine	Methadone	Para-fluorofentanyl	Hydromorphinol
Morphine	Bezitramide	Methadone-intermediate	3-methylfentanyl	Methyldesorphinol
Oxycodone	Clonitazene	Moramide-intermediate	Acetyl-alpha-methylfentanyl	Methyldesorphine
Oxymorphone	Dextromoramide	Morpheridine	Alpha-methylthiofentanyl	Methyldihydromorphine
Thebaine	Diampromide	Noracymethadol	Beta-hydroxyfentanyl	Morphine Methylsulfonate
Opium poppy	Diethylthiambutene	Norlevorphanol	3-methylthiofentanyl	Morphine-n-oxide
Poppy straw	Difenoxin	Normethadone	Thiofentanyl	Myrophine
Concentrate of poppy straw	Dihydrocodeine	Norpipanone	Piminodine	Nicocodeine
Methcathinone	Dimenoxadol	Pethidine	Piritramide	Nicomorphine
	Dimepheptanol	Pethidine-intermediate	Propheptazine	Normorphine
	Dimethylthiambutene	Phenadoxone	Properidine	Normorphine
	Dioxaphetyl butyrate	Phenampromide	Phenazocine	Pholcodine
	Diphenoxylate	Ethylmethythiamutene	Phenomorphin	
	Dipipanone	Etonitazene	Phenoperidine	
	Etoxidine	Fentanyl	Furethidine	

AS 11.71.150 Schedule IIA

A substance shall be placed in schedule IIA if it is found to have a degree of danger or probable danger to a person or the public which is less than substances listed in schedule IIA includes any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances.

Hallucinogenic Substances	Depressant Substances	Stimulant Substances
4-bromo 2, 5-dimethoxyamphetamine 2, 5-dimethoxyamphetamine 4-methoxyamphetamine 5-methoxy-3, 4-methylenedioxy-amphetamine 4-methyl-2, 5-dimethoxy-amphetamine 3,4-methylenedioxy amphetamine 3,4,5-trimethoxy amphetamine Bufotenine Diethyltryptamine (DET) Dimethyltryptamine (DMT) Ibogaine Lysergic acid diethylamide (LSD) Mescaline n-ethyl-3-piperidyl benzilate n-methyl-3-piperidyl benzilate Peyote Analogs of phencyclidine (PCP) Ethylamine analog Pyrrolidine analog (PCPY, PHP) Thiophene analog (TPCP, TCP) TCPy Psilocybine Psilocyn 3,4-methylenedioxyamphetamine (MDMA) Cocaine	amobarbital mandrix mandrax mecloqualone methaqualone pentobarbital phencyclidine (PCP) Secobarbital	Amphetamine Methamphetamine Phenmetrazine Fenethylamine N-ethylamphetamine 3,4-methylenedioxy-N-ethylamphetamine N-hydroxy-3,4-methylenedioxyamphetamine 4-methylaminorex N,N-dimethylamphetamine

AS 11.71.160 Schedule IIIA

A substance shall be placed in Schedule IIIA if it is found to have a degree of danger or probable danger to a person or the public less than the substances listed in Schedule IIA.

Depressant Substances	Narcotics
Amobarbital, secobarbital, or pentobarbital, combined with one or more other active medicinal ingredients.	Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.
Amobarbital, secobarbital, or pentobarbital, approved by the Federal Food and Drug Administration for marketing only as a suppository.	Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
Any substance which contains any quantity of a derivative of barbituric acid.	Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.
Chlorhexadol sulfondiethylmethane	Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts.
Glutethimide sulfonmethane	No more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit with one or more active nonnarcotic ingredients in recognized therapeutic amounts.
Lysergic acid tiletamine	Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
Lysergic acid amide zolazepam	Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
Methypylon nalorphine	Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

AS 11.71.170 Schedule IVA

A substance shall be placed in Schedule IVA if it is found to have a degree of danger or probable danger to a person or the public which is less than the substances listed in schedule IIIA.

Any material, compound, mixture, or preparation which contains any quantity of the following substances:

Any material, compound, mixture, or preparation containing not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit, or their salts calculated as the free anhydrous base or alkaloid.

Barbital	Methohexital	Diethylpropion	Fencamfamin
Cholral betaine	Oxazepam	Phentermine	Fenproporex
Chloral hydrate	Paraldehyde	Pemoline	Mefenorex
chlordiazepoxide	Petrichloral	Mazindol	Dextropropoxyphene
Clonazepam	Phenobarbital	Pipradol	Pentazocine
Clorazepate	Prazepam	SPA	Propoxphene
Diazepam	Alprazolam	Cathine	
Ethchlorvynol	Halazepam		
Ethinamate	Triazolam		
Flurazepam	Midazolam		
Lorazepam	Quazepam		
Mebutamate	Flunitrazepam		
Meprobamate	gamma-Hydroxybutyrate		
Ketamine hydrochloride	fenfluramine		

AS 11.71.180 Schedule VA

A substance shall be placed in Schedule VA if it is found to have a degree of danger or probable danger to a person or the public which is less than substances listed in Schedule IVA

Schedule VA includes any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or their salts:

Schedule VA includes any material, compound, mixture or preparation that contains any quantity of the narcotic drug Buprenorphine and its salts.

Schedule VA includes any material, compound, mixture, or preparation which contains any of the following substances:

Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.

Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.

Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

Propylhexedrine, except when contained in a Benzedrex inhaler.

Pyrovalerone

AS 11.71.190 Schedule VIA

A substance shall be placed in Schedule VIA if it is found to have a degree of danger or probable danger to a person or the public which is less than substances listed in Schedule VA.

Marijuana is a Schedule VIA controlled substance.

HB

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Alaska State Legislature

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Representative Lesil McGuire

Chair, Judiciary Committee

SECTIONAL ANALYSIS

HB 381

"An Act relating to child endangerment"

Section 1 – Amends AS 11.51.100(a) by adding two subsections to include transporting a child in a motor vehicle while under the influence of an intoxicant; and failure to use proper seat restraints while transporting a child in a motor vehicle and the failure to restrain leads to the injury of death of the child.

Section 2 – Amends AS 11.51.100(c) by making the crime of child endangerment by transporting a child while under the influence a class C felony.

Section 3 – Amends AS 11.51.100(d) by making the crime of child endangerment by failing to use proper seat restraints and that failure to restrain results in the death of a child a class B felony.

Section 4 – Specifies that "intoxicant" has the meaning given in AS 47.10.990.

OFFERED IN THE HOUSE HESS COMMITTEE

TO: HB381

DATE: April 6, 2004

AMENDMENT #1 BY REP. WOLF (Conceptual Amendment)

1 Page 2, Line 8:

2 Insert after (a) "operates the vehicle that"

AMENDMENT #2 BY REP. SEATON

3 Page 2, Line 10, 11, 12:

4 Delete entire lines



National Conference of State Legislatures
 Drunk Driving Child Endangerment Laws

as of December 2003

State	Citation	Provisions
AL	§32-5A-191(n)	Minimum sentences are double the usual sanction if an offender over age 21 was transporting a minor under age 14 at the time of the offense.
AK	none	
AS	none	
AZ	§§13-604(A), (C) & (U)(1) (a), 13-701(C), 13-801, & 28-1383(A)(3), (F), (G) & (L)(2)	A person commits a class 6 felony (aggravated DUI) if they violate the drunk driving laws while transporting a passenger under age 15. Sanctions: 1 st offense: 1 year; conviction with one prior felony: 1 to 2.5 years; conviction with two or more prior felonies: 3 to 4.5 years and fine \$150,000.
AR	none	
CA	Veh Code §23572	For non-injury offenses where a minor under 14 years old was a passenger, the following mandatory jail sanctions are imposed: 1 st offense: 48 continuous hours; 2 nd offense: 10 days; 3 rd offense: 30 days; 4 th offense: 90 days. (these sanctions are not imposed if the driver has been convicted of endangering the life or health of a child under Penal Code §273a)
CO	§§18-1-105(1)(a)(III) & (V)(A), and 18-6-401(1), (2), (7)(a)(I) & (III)	A person is guilty of child abuse if they knowingly or recklessly commit an act that either kills or injures a child under 16 years old. A person commits a class 2 felony where death results from such abuse and is subject to 8 to 24 years in jail and a fine of \$5,000 to \$1,000,000. A person commits a class 3 felony where injury results from such abuse and is subject to 4 to 12 years in jail and a fine of \$3,000 to \$750,000. For abuse resulting in either injury or death, a parole of 5 years is mandatory. In <i>People v. Deskins</i> , 927 P.2d 368 (Colo. 1996), it was held that a drunk driver is guilty of child abuse if they kill or injure a child riding in another vehicle that is involved in a collision with the offender's vehicle at the time of the offense.
CT	none	
DE	21 §4177(d)(5)	A person who commits a drunk driving offense while transporting a child under 17 years old is subject to the following sanctions, in addition to the standard sanctions for drunk driving offenses: 1 st offense: an additional fine of \$230 to \$1,150 and 40 hours of community service benefiting children; for subsequent offenses: an additional \$575 to \$2,300 and 80 hours of community service benefiting children.

DC	none	
FL	§§316.193(3) & (4), 775.082, 775.083 & 775.084	For a drunk driving offense with a passenger under age 18 in the vehicle, the following sanctions apply: 1 st offense: not more than 9 months in jail and a fine of \$500 to \$1,000; 2 nd offense: not more than 12 months in jail and a fine of \$1,000 to \$2,000; 3 rd offense: not more than 12 months in jail and a fine of \$2,000 to \$5,000.
GA	§§16-12-1(d) & 40-6-391 (1)	It is a separate offense to transport a child under age 14 while drunk. Sanctions: 1 st offense (misdemeanor): jail 1 to 5 months, fine \$200 to \$500; 2 nd offense (misdemeanor) jail 3 months to 1 year, fine \$400 to \$1,000; 3 rd and subsequent offenses (felony) jail 1 to 3 years, fine \$1,000 to \$5,000.
GU	none	
HI	§291-4(b)(4)	A driver 18 years of age or older who is convicted of an alcohol offense while transporting a passenger under 15 years old is subject to the following additional sanctions: mandatory jail term of 48 hours (total jail term not to exceed 30 days) and a mandatory fine of \$500.
ID	§§18-113 & 18-1501(3)	It is an offense for a person over 18 years of age to operate a motor vehicle in violation of the drunk driving laws while transporting a minor. If there is no injury or death associated with the offense, it is a misdemeanor with a jail term of not more than 6 months and/or a fine of not more than \$300. If the minor is injured or killed, it is a felony with imprisonment of 1 to 10 years.
IL	625 ILCS 5/11-501(c)	If at the time of the offense, the defendant was transporting a person under 16 years of age, jail sanctions are enhanced as follows: 1 st offense: 2 days; 2 nd offense: 10 days; 3 rd offense: 30 days; 4 th or subsequent offense: 90 days. For a 1 st or 2 nd offense within 5 years, a fine of \$500 is mandatory. The defendant is also subject to mandatory community service: 1 st offense: 5 days; 2 nd offense within 5 years: 10 days.
IN	none	
IA	§§702.5, 726.3 & 726.6	Iowa's criminal law provides for sanctions against persons who either abuse or neglect a child or 14 years or younger, who is under their control. The Iowa Supreme Court has held that a parent can be charged with child neglect, recklessly exposing their child to a danger, a class c felony, if, while transporting their child, they operate a motor vehicle in an intoxicated condition. <i>State v. Caskey</i> , 539 N.W. 2d 176 (Iowa 1995) There is also the possibility that general criminal child endangerment laws may apply, which make it an offense to create a situation where a child is exposed to substantial risk.
KS	none	
KY	none	
LA	§14:98(J)	A DUI offender is subject to the following mandatory sanctions if a child 12 years old or younger was a passenger in the vehicle at the time of the

		offense: 1 st offense: 10 days in jail and \$125 fine; 2 nd offense: 30 days in jail and \$300 fine; 3 rd offense: 6 months in jail; 4 th offense: 2 years in jail.
ME	29-A MRSA §§2451(5), 2472(4), 2411(5)	For persons over age 21 who refuse to take a breath test and had a passenger under age 21 in the vehicle at the time of the refusal, an additional mandatory 275 day license suspension applies. For persons under age 21 who refuse to take a breath test and had a passenger under age 21 in the vehicle at the time of the refusal, an additional mandatory 180 day license suspension applies. Upon conviction for DUI, the following mandatory jail terms apply: 1 st offense: not less than 48 hours (96 hours for refusal); 2 nd offense within 10 years: 7 days (12 days for refusal); 3 rd offense: 30 days (40 days for refusal); 4 th or subsequent offenses within 10 years: 6 months (6 months and 20 days for refusal).
MD	Tran. §27-101(q)	For conviction of an illegal per se drunk driving offense, while transporting a minor under age 18, the following sanctions apply: 1 st offense: jail not more than 2 years and fine not more than \$2,000; 2 nd offense: jail not more than 3 years and fine not more than \$3,000; 3 rd and subsequent offenses: jail not more than 4 years and fine not more than \$4,000. For conviction of driving under the influence of alcohol, drugs or a controlled dangerous substance while transporting a minor under age 18, the following sanctions apply: 1 st offense: jail not more than 6 months and fine not more than \$1,000; 2 nd offense: jail not more than 1 year and fine not more than \$2,000.
MA	none	
MI	§§257.319(8)(e) & 257.625(7)	For conviction of any DUI offense while carrying a passenger under age 16, the following sanctions apply: 1 st offense (misdemeanor): jail 1 to 5 years (with either mandatory 48 consecutive hours in jail or 30 days (mandatory) to 90 days of community service) and a fine of \$200 to \$1,000 and license suspension of 180 days (90 days mandatory); for subsequent offenses within 7 years (felony): 1 to 5 years in jail or with probation, 30 days (48 consecutive hours mandatory) to 1 year in jail and community service for 60 to 180 days, and a fine of \$500 to \$5,000. For conviction of the .02 (zero tolerance) law by persons under age 21, while carrying a passenger under age 16, the following sanctions apply: 1 st offense: not more than 93 days in jail, not more than 60 days community service, a fine of not more than \$500, and license suspension of not more than 180 days (90 days mandatory); for subsequent offenses: jail of 5 days to 1 year (48 consecutive hours mandatory), community service for 30 to 90 days, and a fine of \$200 to \$1,000. For either type of violation, vehicle forfeiture or immobilization sanctions may also apply.
MN	§§169.121, subd 3(a) and 169.1217	Driving while intoxicated with a child under 16 years of age in the vehicle, where the driver was at least 36 months older than the child, is a gross misdemeanor. In addition to the standard penalties for a DUI-related gross misdemeanor, the vehicle used in the offense may be subject to forfeiture.
MS	none	
MO	none	

MT	none	
NE	none	
NV	§484.3792(7)	If a child 15 years old or younger was present in the vehicle at the time of the DUI offense, such fact shall be considered an aggravating factor when determining sentence.
NH	§265:82-b, VIII	If the DUI offender was transporting a person under age 16 at the time of the offense, the offender must have their driving privileges revoked for the maximum time period provided by law.
NJ	none	
NM	none	
NY	none	
NC	§20-179	Upon conviction, the level of punishment is determined by weighing aggravating and mitigating factors (child endangerment is an aggravating factor), with Level 1 being more severe punishment and Level 2 being less severe sanctions. The court must impose Level 2 punishment if there was a child under 16 years old riding with the offender at the time of the offense. The court must impose Level 1 punishment if there was a child under 16 years old riding with the offender at the time of the offense and there was any additional aggravating factor involved.
ND	§§12.1-32-1 & 39-08-01.4	It is a class A misdemeanor, with a jail term for not more than 1 year and /or a fine of not more than \$1,000, for a person 21 of age or older to commit a drunk driving offense while transporting a minor (the specific age is not defined in the law but generally defined in ND to be anyone under age 18).
OH	§§2919.22, 2929.14, 2929.18 & 2929.21	It is a separate offense to operate a motor vehicle in violation of the drunk driving laws while carrying a passenger who is under 18 years old. Sanctions: 1 st offense (1 st degree misdemeanor): imprisonment for not more than 6 months and/or a fine of not more than \$1,000; on a 1 st offense where there has been serious physical harm to the child or for subsequent offenses (5 th degree felony): imprisonment of 6 to 12 months and /or a fine of not more than \$2,500; subsequent child endangerment offense where there has been serious physical harm to the child or where there has been serious harm to the child and the offender has a prior drunk driving conviction (4 th degree felony): imprisonment of 6 to 18 months and/or a fine of not more than \$5,000. In addition to the above, offenders are subject to not more than 200 hours of community service, which is not in lieu of community services that may be imposed via probation, and license suspension for 90 days, which is consecutive to any other licensing action.
OK	none	
OR	none	

PA	none	
PR	none	
RI	§31-27-2(d)(4)	An offender who is over age 18 is subject to an imprisonment term of not more than 1 year if they were transporting a passenger under age 13 years at the time of the offense.
SC	§56-5-2947	A person over 18 years old who commits either a drunk driving offense or a death/serious bodily injury drunk driving offense while transporting a child under 16 years old is subject to additional jail and fine sanctions which are equal to not more than half the maximum jail and fine sanctions for these offenses. There additional sanctions are mandatory if jail or fine sanctions have been imposed for the original offense. In addition, the offender's driving privileges must be suspended for 60 days.
SD	none	
TM	§§40-35-111(b)(3) & (4), 40-35-111(e)(1) & 55-10-414	A person commits a class A misdemeanor if they commit a drunk driving offense and at the time were accompanied by a child under 13 years old. Sanctions: jail term of not more than 11 months and 29 days (30 days are mandatory) and a fine of not more than \$2,500 (\$1,000 is mandatory). If the child was injured at the time of the offense, the person commits a class D felony. Sanctions: jail term of 2 to 12 years and a fine of not more than \$5,000. If the child was killed at the time of the offense, the person commits a class C felony. Sanctions: jail term of 3 to 15 years and a fine of not more than \$10,000.
TX	none	
UT	none	
VT	none	
VA	§18.2-270	A person convicted of a drunk driving offense while carrying a child 17 years of age or younger is subject to the following additional sanctions: 1 st offense: a fine of \$500 to \$1,000 (\$500 mandatory) and 40 hours of mandatory community service benefiting children; for subsequent offenses, a fine of \$500 to \$1,000 (\$500 mandatory) and 80 hours of mandatory community service benefiting children. Under <i>Commonwealth v. Carter</i> , 462 S.E.2d 582 (Va.App. 1995), a drunk driving offender who operates a motor vehicle while transporting a child under 18 years of age may be subject to prosecution for child abuse and neglect under §18.2-371.1
VI	none	
WA	none	
WV	§§17C-5-2(I) & 17C-5A-2 (m)	A person who violates the drunk driving law while transporting a child under 16 years old commits a misdemeanor and is subject to a jail term of 2 days

		to 12 months (48 hours mandatory) and/or a fine of \$200 to \$1,000 (\$200 mandatory). A person who violates the administrative per se law while transporting a child under 16 years old is subject to a mandatory 2 year license revocation. If the person has a previous administrative per se suspension or revocation within 10 years, the revocation period is 10 years (mandatory); if the person has more than one previous administrative per se suspension or revocation within 10 years, the revocation period is for life (mandatory).
WI	§§343.305(10)(b)(4m), 343.31(3)(f), 346.65(2)(f) & (3), 343.31(3)(c) and 940.09(1b)	For refusal to take an implied consent breath test while transporting a child under 16 years old at the time of the refusal offense, the minimum and maximum license revocation periods are doubled. For conviction of a drunk driving offense while transporting a child under 16 years old at the time of the offense, the offender's drivers license is revoked for 4 years. For conviction of either injury or non-injury drunk driving offenses while transporting a child under 16 years old at the time of the offense, the maximum and minimum imprisonment, forfeiture and fine sanctions are doubled. For conviction of homicide by vehicle while transporting a child under 16 years old at the time of the offense, the maximum imprisonment and fine sanctions are doubled and the revocation period is 10 years.
WY	none	

Source: Digest of State Alcohol/Highway Safety Related Legislation, U.S. Dept. of Transportation, National Highway Traffic Safety Administration.

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FEB 02 2004

State Of Alaska
Legislative Affairs Agency
Kenai LIO
145 Main St Lp, Ste 217
Kenai, AK 99611
907-283-2030

Date: _____ 1-26-04 _____

Please accept the enclosed original(s) of written testimony for the ___HHESS _____ teleconference hearing that was scheduled on _____.

A copy of this testimony was transmitted to your committee via fax on _____ 1-26-04 _____.

Thank You,

Kenai LIO



Alaska State Legislature

Please enter into the record my testimony to the House Health, Education & Social services
committee name

Committee on _____
bill # / subject

HB 381

Date, JANUARY 24, 2004

Alaska has a serious problem with alcohol. On the Dept. of Transportation web site there are statistics graphs, which show in the year 2001, alcohol/drug use was a contributing factor in 8.1% of the accidents reported. Statistics from DOT show that 33.1 % of the fatal accidents in the year 2001 had alcohol/drug use as a contributing factor. In 2001 there were 42 alcohol-related fatalities. It's very unfortunate that four Alaskan children lost their lives from fatal accidents that involved alcohol. Alaska had a total of 1,146 accidents in the year of 2001, which were determined to be alcohol-related.

We need stronger penalties for people who are endangering children in motor vehicles when the driver is impaired by drugs/alcohol. Icy road conditions make driving hazardous, when you add alcohol as another factor it's a recipe for disaster. We need to have stiffer penalties for people who are knowingly placing children at risk, so there are serious consequences if they are caught driving in vehicles while under the influence of drugs/alcohol.

Vote YES on HB 381. Allow HB 381 to pass through the House, as these provisions in HB 381 will benefit the citizens of Alaska. Our children are our most valuable resource. We need to protect them.

Signed: LAURIE CHURCHILL
Testifier

SELF
Representing (optional)

PO BOX 7043 NIKISKI, AK 99635
Address

907-776-3499
Phone number

HB

390

Alaska State Legislature

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House Special Committee on Education

Representative Carl Gatto, Chair

April 1, 2004

To: Representative Wilson
RE: HB 390 – An Act Relating to School Terms

Dear Representative Wilson,

May I officially request that you schedule HB 390 for hearing before your committee at your earliest convenience?

Enclosed are:

- 1) Sponsor Statement
- 2) Text of HB 387
- 3) Supporting documentation

Thank you for your time and consideration.



Alaska State Capitol, Room 411 • Juneau, Alaska 99801
Chairman – House Special Committee on Education
Vice-Chair – Labor and Commerce Committee
Vice-Chair – Health Education and Social Services Committee
(907) 465-3743 phone • (907) 465-2381 fax
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House Special Committee on Education

Representative Carl Gatto, Chair

SPONSOR STATEMENT

HOUSE BILL 390

"AN ACT RELATING TO THE REQUIRED NUMBER OF DAYS IN A SCHOOL YEAR."

HB 390 allows school districts to use school terms in a more flexible manner. Current law requires 180 days of school. If approved by the Commissioner of EED, districts would be allowed to adjust their school terms within statute to meet the needs of their students, teachers, families, and location.

Recently an Anchorage charter school proposed a plan to the Anchorage School Board for something less than 180 days. The plan was approved in concept but is now holding pending passage of this legislation. The increased flexibility provided under this bill allows for a stronger focus on academic performance instead of simply accounting for "seat time."

While allowing a four-day week is not the specific intent of HB 390, passage would allow meaningful dialogue on the merits of this and other plans. For example, boarding and residential students may benefit from a flexible schedule allowing students to return home more often. In addition, year round school and adjusted schedules may produce increased efficiency and savings for districts, which could be directed back into the classroom.

Anchorage School District Superintendent, Carol Comeau and the Anchorage School Board support this concept as expressed in resolution 2002/2003-8.

We have all heard about the uniqueness of Alaska and how it applies to many issues. Scheduling is one of several areas impacted by Alaska's weather, seasons, and culture. Passage of this legislation would allow school districts the flexibility to adapt and excel in Alaska.

Please join me in protecting our children by endorsing and passing House Bill 387.

ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

ASD MEMORANDUM #188 (2002-2003)

March 3, 2003

TO: SCHOOL BOARD

FROM: OFFICE OF THE SUPERINTENDENT

SUBJECT: RESOLUTION IN SUPPORT OF RESTRUCTURING THE
SCHOOL DAY AND/OR SCHOOL YEAR TO ALLOW
FLEXIBILITY FOR PROFESSIONAL DEVELOPMENT

RECOMMENDATION:

It is the Administration's recommendation that the School Board support a resolution to lobby the Alaska State Legislature to approve structural change in the daily schedule for schools, which would allow schools within the State to "bank time" or establish other forms of flexibility in a school day and/or school year.

PERTINENT FACTS:

The reauthorization of the Elementary and Secondary Education Act in January 2002, titled, No Child Left Behind, requires that school districts comply with a myriad of new regulations. These regulations include requirements for professional development for teachers and paraprofessionals in Title 1 schools. Also, schools are being asked to demonstrate adequate yearly progress for the identified groups stipulated by NCLB. The State of Alaska's requirements embedded in the Quality Schools Initiative and the requirement that all students pass the High School Graduation Qualifying Examination in order to receive a diploma also pose challenges for school districts throughout the state. Staff training and professional development are essential components of implementing NCLB, the Quality Schools Initiative, and the HSGQE. School districts need additional time for professional development and collaboration among their staff members that is not adequately provided in the current school calendar.

As the six comprehensive high schools in the Anchorage School District recreate themselves both physically and instructionally into Smaller Learning Communities, there is demonstrated need for additional professional development time. Some monies are available from various grants to provide substitutes for teachers, or for addenda for teachers to work beyond the school day. The majority of teachers hesitate to miss time with their students and often decline having substitutes as an option for receiving training time. Additionally, there is a limit to the amount of time teachers and staff are willing to work beyond the school day or school week. Many teachers and staff serve as coaches and/or tutors after the school day and cannot attend professional development at that time.

A restructured schedule, such as "banking time", would allow schools to offer professional development time and collaboration time for teachers and staff within a scheduled workday. Students could begin their day ten to fifteen minutes earlier or extend their day later to accumulate additional banked time. When sufficient time is banked, students would attend school a shortened day once or twice a month. During the time students are on a shortened schedule, teachers and other staff would have time for professional development and/or collaboration.

Such a system of banked time would provide, for the first time, a sufficient amount of professional development and collaboration time for all teachers. While secondary teachers have a planning period and middle school teachers additionally have a team planning time, most elementary teachers have little actual planning time.

Mentoring of new teachers has become a priority in the Anchorage School District and a restructured school schedule would allow for more substantive mentoring of new teachers by experienced teachers within their own building. This would significantly reduce a teacher's sense of isolation, often reported as one of the main contributors to stress in the first years of teaching.

Aligning curriculum across the District is a priority as expressed through the curriculum audit and at the recent six-year planning session. Shared collaboration time would allow teachers in the field to participate fully in this most important process. This would not only provide a superior product, but it would increase support among teachers.

Restructuring the school day and/or school year allows flexibility to provide for professional development and collaboration time for all staff less expensively than adding days to the current school calendar.

Attachment

CC/JC

Prepared by: Jan Christensen, Assistant Superintendent, Instruction

Approved by: Carol Comeau, Superintendent

**ANCHORAGE SCHOOL BOARD
ASDR 2002/2003-8**

RESOLUTION IN SUPPORT OF RESTRUCTURING THE SCHOOL DAY AND/OR SCHOOL YEAR TO ALLOW FLEXIBILITY FOR PROFESSIONAL DEVELOPMENT

WHEREAS, the reauthorization of the Elementary and Secondary Education Act in January 2002, No Child Left Behind, requires that school districts comply with a myriad of new regulations; and

WHEREAS, these regulations include requirements for professional development for teachers and paraprofessionals in Title I schools, and

WHEREAS, the State of Alaska's requirements embedded in the Quality Schools Initiative and the requirement that all students pass the High School Graduation Qualifying Examination in order to receive a diploma poses challenges for school districts around the state; and

WHEREAS, staff training and professional development are essential components of implementing No Child Left Behind, the Quality Schools Initiative, and the High School Graduation Qualifying Examination; and

WHEREAS, many teachers hesitate to miss time with their students and tend to decline substitutes as an option for receiving professional training time; and

WHEREAS, the Anchorage School District needs additional time for professional development and collaboration among staff members that is not adequately provided in the current school calendar; and

NOW THEREFORE BE IT RESOLVED that the Anchorage School Board supports the idea of restructuring the school day and/or school year to allow for flexibility to provide professional development and collaboration time for staff.

PASSED AND APPROVED by the Anchorage School Board this 3rd day of March 2003.

ANCHORAGE SCHOOL BOARD

Jeff Metcalfe, President

Debbie Ossiander
Tim Steele
Rita J. Holthouse

John Steiner
Harriet A. Drummond
Mary Marks

Carol Comeau, Superintendent

Four-day School Week?

Policymakers have been eyeing the four-day school week as a way to cut education costs.

There have been mixed results where the schedule has been adopted.

By Greta Durr

With promises of a 20 percent reduction in overhead and transportation costs, the four-day school week is growing more attractive to legislators seeking to cut education costs—especially in energy, transportation and classified personnel salaries. But while some states are looking at the four-day school week as a way to save money or as a creative option for rural areas, others have found it impractical.

The four-day week offers the same amount of class time in fewer days. Mostly these plans have been used by rural school districts and the savings are not always dramatic. There are other factors, however, that influence whether they are successful.

Custer School District in rural South Dakota adopted the four-day-a-week calendar in 1995 to reduce its annual budget by approximately \$70,000. The savings weren't as much as estimated, but a school survey found that the switch boosted morale, reduced absenteeism, decreased the need for substitute teachers, and led to a boom in participation in extracurricular activities. The survey also indicated that teachers were covering more academic content than they had under the traditional five-day calendar.

But the idea didn't work in Utah where a modified school week pilot program ended a year early because the schools involved reported only moderate or no actual savings, as well as scheduling complications. Some districts in the pilot went to four-and-a-half-day weeks after two years, which cut into savings on transportation and heat.

The legislation allowing the program required that extracurricular activities like school sports, dances, plays and speech meets be scheduled on Thursday nights, Fridays or Saturdays so students would not have to travel on a regular school day.

"Most schools opted out," says Steve Laing, state school superintendent. "There are still a couple of schools that would like to do it, but not because they're planning on any savings." Laing explained that, for these schools, the benefits of the modified week (better morale, decreased absenteeism, reduced need for substitutes) meant more to the communities than the money they saved.

Oregon has two laws that deal with shortened school schedules and both have come into play as districts struggle to survive the worst budget deficit in 20 years. After Oregonians defeated a measure in January that would have increased income taxes for three years to prevent \$310 million in cuts to schools and other programs, schools are looking at the four-day school week, as well as cutting five to 24 days from the school year.

"At least 16 districts are on the four-day week to cut costs," says Margaret Peterson of the state Board of Education, "and they would

still meet compulsory education requirements. But other districts are looking at cutting days from the school year, which is allowed in Oregon during severe budget difficulties. Some of them will be allowed to drop below the number of hours required by state law."

Oregon's rural Morrow County School District 1 adopted the four-day school week offered through a state policy option to lower expenses 10 years ago. The district currently is saving an estimated \$250,000 in a \$14 million budget, mostly from salaries of classified employees, such as cooks, bus drivers and teacher's aides.

In some states, laws have to change in order to change school calendars. When a small Michigan district considered a four-day week, officials found they couldn't do it because teacher labor contracts and retirement requirements are set by the state in terms of days, not hours.

Representative Stephen Adamini penned a bill to make the changes from specifications in days to required hours. Approximately nine districts have contacted him about making the switch.

Student transportation costs really take a toll on sparsely populated districts in vast, rural areas, Adamini says. "Small districts are hanging by their fingernails looking for savings," he says. "Local schools should have this as an option."

Montana was still debating a four-day week when this issue of the magazine went to press. The bill's sponsor, Senator Sam Kitzenberg, a high school English teacher, wants to give districts more flexibility with scheduling and funding, despite the potential impact on local jobs. "We're looking for a lifeboat for Montana schools in case of cutbacks," he says. "We don't want it forced, we want it as an option."

Yet Representative Carol Juneau is worried about classified employees. "If we go to the four-day week, many cooks, bus drivers and custodians would lose wages. In our community, many of our local people work those jobs," she says.

Ten states have some school districts operating on a four-day week: Arizona, Colorado, Kansas, Louisiana, Michigan, New Mexico, Oregon, South Dakota, Wisconsin and Wyoming. States with legislation allowing the four-day school week include Arkansas, California, Minnesota and Illinois. Bills are pending in Michigan, Montana, Ohio and Virginia.



Representative
Stephen Adamini
Michigan



Senator
Sam Kitzenberg
Montana



Representative
Carol Juneau
Montana

Greta Durr tracks education policy at NCSL.



FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

520 Fifth Avenue

Fairbanks, Alaska 99701-4756

(907) 452-2000

www.northstar.k12.ak.us

March 4, 2004

The Honorable Carl Gatto
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Gatto:

RE: HB390 - Alternative School Terms

As Superintendent of the Fairbanks North Star Borough School District, I would like to add my support for HB 390 – Alternative School Terms.

With the options for charter schools within our districts and the choices we want to provide for parents in the education of their students within the public school system, I believe your bill will provide some needed choice for school terms. Although we may not take advantage of this option in the immediate future, I do see it as a positive change for public schools.

Please let me know if there is anything I can do to support your efforts in this regard.

Sincerely yours,

Ann E. Shortt, Ed. D.
Superintendent of Schools

/plh

cc: Board of Education

HB

394

STATE OF ALASKA
HOUSE OF REPRESENTATIVES
Representative Jim Holm



119 N. Cushman
Fairbanks, AK 99701
TEL 456-7423, FAX 451-9293

State Capitol
Juneau, AK 99801
TEL 465-3466, FAX 465-2937

Sponsor Statement

HB 394

Extending the Alaska Commission on Aging

HB 394 extends the sunset date for the Alaska Commission on Aging until June 30, 2008. An audit dated October 1, 2003, recommends this extension.

The mission of the Alaska Commission on Aging (ACOA) is to ensure dignity and independence for Alaska's seniors and to assist them, through programs and services funded by the Commission, to lead useful and meaningful lives.

The Commission is charged with planning, advocacy, and interagency coordination on senior citizen issues.

Extending the Commission's sunset will allow Alaska's Senior Citizens to continue benefiting from these valuable services.

STATE OF ALASKA
HOUSE OF REPRESENTATIVES
Representative Jim Holm



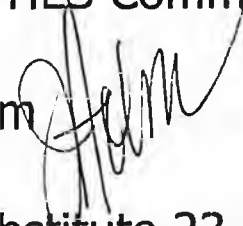
119 N. Cushman
Fairbanks, AK 99701
TEL 456-7423, FAX 451-9293

State Capitol
Juneau, AK 99801
TEL 465-3465, FAX 465-2937

MEMO

DATE: February 19, 2004

TO: Members of the House HES Committee

FROM: Representative Jim Holm 

RE: Attached committee substitute 23-LS1534\D
For HB 394

In 2003, Executive Order 108 moved the Alaska Commission on Aging from Department of Administration to Department of Health and Social Services.

Sections 2 and 3 of the proposed CS conform to this change.

23-LS1534D
Mischel
2/19/04

CS FOR HOUSE BILL NO. 394()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE HOLM

A BILL

FOR AN ACT ENTITLED

1 **"An Act extending the termination date of the Alaska Commission on Aging and**
2 **making technical revisions to citations related to the commission."**

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

4 *** Section 1.** AS 44.66.010(a)(10) is amended to read:

5 (10) Alaska Commission on Aging AS 47.45.200 [(AS 44.21.200)] --
6 June 30, **2008** [2004];

7 *** Sec. 2.** AS 47.24.070 is amended to read:

8 **Sec. 47.24.070. Required review of proposed regulations.** Before adoption
9 by the department, regulations to implement this chapter shall be provided to the
10 Alaska Commission on Aging established under AS 47.45.200 [AS 44.21.200] for
11 review.

12 *** Sec. 3.** AS 47.30.016(b) is amended to read:

13 (b) The board consists of seven members appointed by the governor and
14 confirmed by the legislature. The members appointed under this subsection shall be

1 appointed

2 (1) based upon their ability in financial management and investment,
3 in land management, or in services for the beneficiaries of the trust;

4 (2) after the governor has considered a list of persons prepared by a
5 panel of six persons who are beneficiaries, or who are the guardians, family members,
6 or representatives of beneficiaries; the panel shall consist of

7 (A) one person selected by the Alaska Mental Health Board
8 established by AS 47.30.661;

9 (B) one person selected by the Governor's Council on
10 Disabilities and Special Education;

11 (C) one person selected by the Advisory Board on Alcoholism
12 and Drug Abuse established by AS 44.29.100;

13 (D) one person selected by the Alaska Commission on Aging
14 established by AS 47.45.200 [AS 44.21.200];

15 (E) one person selected by the Alaska Native Health Board;

16 and

17 (F) one person selected by the authority.

State of Alaska

Office of Boards and Commissions

AGING COMMISSION

BOARD: Alaska Commission on Aging

BOARD IDENTIFICATION NUMBER: 071

DEPARTMENT: Department of Health and Social Services

AUTHORITY: AS 44.21.200

STATUS: Active

SUNSET DATE: 6/30/2004

REQUIREMENTS: No Legislative Confirmation or Financial Disclosure required

PROHIBITIONS: Cannot serve more than two consecutive terms or 8 consecutive years, whichever is longer.

TERM: 4 years

DESCRIPTION: 11 Members - Seven persons appointed by the Governor based on their knowledge and demonstrated interest in the concerns of older Alaskans; plus the chair of the Pioneers Homes Advisory Board; the commissioner of the Dept. of Administration or designee; the commissioner of the Dept. of Community and Economic Development or designee; and the commissioner of the Dept. of Health and Social Services or designee. Names of persons qualified for and interested in serving will be requested from senior citizens' organizations. Appointments shall be made to assure representation of low-income and minorities and rural/urban areas and statewide geographical representation. At least 6 persons appointed by the Governor shall be 60 years of age or older, 2 of whom shall be 65 years of age or older. Each must be a resident of the State of Alaska. Non-voting members include the Commissioners or their designees of the Dept. of Community and Economic Development, and the Dept. of Health and Social Services. Commission elects chair.

FUNCTION: Formulates a comprehensive statewide plan that identifies the concerns and needs of older Alaskans and prepares and submits to the Governor and Legislature an annual analysis and evaluation of the services that are provided to older Alaskans. Makes recommendations to the Governor and Legislature regarding legislation, regulations, and appropriations for programs or services that benefit older Alaskans. Encourages the development of programs and services which benefit older Alaskans, helping them to lead dignified, independent, and useful lives. Evaluates grant applications and makes grant awards under federal and state programs. Provides to the Alaska Mental Health Trust Authority recommendations concerning the integrated comprehensive mental health program for older Alaskans who suffer major mental illness as a result of senility (AS 47.30.056(b)(4)).

CHAIR: Commission selects.

SPECIAL FACTS: Serve at the pleasure of the Governor. Quorum - majority of voting members.
Meetings: four quarterly meetings per year

COMPENSATION: Standard Travel and Per Diem.

MEETINGS: At call of chair or majority of members; at least 4 times each year.

FOR FURTHER INFORMATION CONTACT:

Mr. Steve Ashman

Director

Alaska Commission on Aging

DHSS, P.O. Box 110680

Juneau, AK 99811-0680

Phone: (907) 465-3372, FAX: (907) 465-1170

Aging Commission Roster

[Go to the Aging Commission Home page](#)

Letters of Support

February 13, 2004

Dear Representative Holm:

Thank you for your support of the Alaska Commission on Aging, please continue this by advocating that HB394 be approved.

The Alaska Commission on Aging assists seniors through state funded services to continue to live meaningful lives. The Commission provides support and services that enable seniors to remain in their homes and in their communities. These services promote health and well-being in our senior population

By supporting community-based services such as care coordination, respite and Adult Day Centers we are demonstrating that we value our seniors and their place in our communities.

Please continue your support for the Alaska Commission on Aging.

Sincerely,



Shelly Carlson
288 E. Birch Hill
Fairbanks, AK 99706



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Fairbanks, AK 99701
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(907) 452-6423 (fax)
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**RETIRED & SENIOR
VOLUNTEER**



A UNITED WAY AGENCY

February 12, 2004

Representative Jim Holm
State Capitol, Room 416
Juneau, AK 99801-1182

Fax 907/465-2937

Dear Representative Holm:

Your House Bill 394 extending the Commission on Aging is of great importance to the elders of Alaska. The Commission allows for planning and coordination of services. A year ago I decided that I wanted to help the seniors of Alaska and in my research found that the Commission served a unique and important place in the constellation of agencies serving the elderly. They are able to look at the services with the consumer in mind to assure that there is adequate holistic planning.

I am pleased that you sponsored this legislation and on behalf of the volunteer seniors I applaud your efforts and the efforts of the Commission on Aging.

Yours truly,

Robert Coghill
Regional Director
National Senior Service Corps

February 13, 2004

Mr. James Holm
Fax: 465-2937

RE: Alaska Commission On Aging

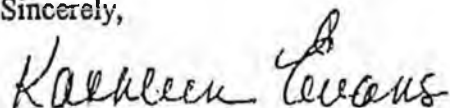
Dear Mr. Holm:

I am writing to thank you for supporting HB 394, the continuance of ACoA until June, 2008.

As you are no doubt aware, ACoA advocates for seniors all over the State and has staunchly supported the provision of Home and Community based services for this silent minority. The Commission keeps abreast of program changes in the State and works closely with the Legislature vis a vis senior issues.

With the recent cuts of services to seniors, I believe it is critical that ACoA be allowed to continue as advocates for our senior citizens.

Sincerely,



Kathleen Evans, B.S.W.
Care Coordinator



DEPARTMENT OF HEALTH & HUMAN SERVICES

U.S. ADMINISTRATION ON AGING

Region X
RX-33
2201 Sixth Avenue
Seattle, WA 98121

February 12, 2004

The Honorable Jim Holm
Alaska House of Representatives
State Capitol Building
Room 416
Juneau, AK 99801

Dear Representative Holm:

I'm writing in strong support of House Bill 394 and Senate Bill 263 to extend the Alaska Commission on Aging to June 30, 2008.

The Commission performs an essential role in planning, developing and overseeing the Older Americans Act, and other programs to assist older Alaskans to remain in their own homes and communities as long as possible. Its initiative in coordinating Older Americans Act Title III programs with the Title VI Alaskan Natives programs (direct federal-tribal) is an exemplary national model. The Commission's leadership has also been very effective in fostering collaborative and creative partnerships with both the public and private sectors resulting in greater efficiency and enhanced services.

As the Commission members are seniors themselves, they provide a direct link to older Alaskans and their communities. And, as a vehicle for senior, community and research input, the Commission's analysis produces an ongoing vision for both current and future planning to meet the needs of a rapidly increasing and aging older Alaskan population.

It is essential that the excellent work of the Commission be continued.

Sincerely,

A handwritten signature in cursive script that reads "Chisato Kawabori".

Chisato Kawabori, Ph.D.
Regional Administrator



February 9, 2004

The Honorable Bruce Weyhrauch, Chair
House State Affairs Committee
Alaska State Capitol, Room 102
Juneau, Alaska 99801-1182

Dear Chair Weyhrauch:

HB 394 (Holm)—Support

On behalf of the AARP members in Alaska, we encourage you and your colleagues on the House State Affairs Committee to support HB 394, sponsored by your Committee Vice-Chair, Jim Holm. HB 394 would extend the Alaska Commission on Aging until June 30, 2008.

Every state has a citizen advisory group that helps state government deal with the changing demographics of our aging society. Since 1990, Alaska has reversed the trend of retirees migrating "Outside" and, except for Nevada, Alaska now has the highest percentage of retirees who remain in their home state and do not relocate. Although our percentages are yet small, they reflect an "aging of Alaska" that will be similar to the other states of the Union.

There are many public policy issues, both opportunities and challenges, that come with this demographic trend. The Alaska Commission on Aging has for several years brought together some of our "best and brightest" minds to help our state deal with issues varying from housing to caregiving, from nutrition to long term care.

We need the Alaska Commission on Aging to continue its significant role in our State and for its citizens.

AARP recommends an "AYE" vote on HB 394.

If you have any questions about our position, please feel free to contact Marie Darlin, Coordinator of the AARP Capital City Task Force (907-586-3637); Patrick Luby, AARP Legislative Representative (907-762-3314); or me (907-245-5259).

Thank you for your consideration.

Sincerely,

Marguerite Stetson

Marguerite Stetson
AARP State Coordinator for Advocacy
3009 Northwood Street
Anchorage, Alaska 99517-1871
907-245-5259 (voice)
907-245-5279 (fax)
ffmas@aurora.uaf.edu

CC: Vice-Chair Holm
Representative Coghill
Representative Lynn
Representative Seaton
Representative Berkowitz
Representative Gruenberg
Marie Darlin
Patrick Luby

February 13, 2004

Dear Representative Holm:

Congratulations and thank you for taking the lead in supporting the Alaska Commission on Aging. It is imperative that HB394 be approved. This commission is an extremely important entity, especially in these times of major change. The commission was established to ensure the dignity and independence of this state's seniors and to assist them, through state funded services, to lead useful and meaningful lives. Some of the goals include:

- 1) providing support and services to enable them to remain in their own homes and communities;
- 2) promoting health and well-being;
- 3) ensuring adequate training and professional development of service providers resulting in competent delivery of services to seniors; and
- 4) providing opportunities to facilitate maximum mutual benefit and harmony between generations.

Home and community-based services such as care coordination, in-home respite and Adult Day Centers are absolutely critical to helping seniors. The continued provision of these services are being threatened. Reduction of these services will be devastating to our elderly and ultimately more costly to the state of Alaska as placement in assisted living homes and nursing homes will become necessary for many.

Again, my thanks, Jim, for your support of the continuance of this commission.

Sincerely,



Brenda VonBrach
P.O. Box 60749
Fairbanks, Alaska 99706


February 13, 2004

Dear Representative Holm:

Thank you for sponsoring HB394. Your lead supporting the Alaska Commission on Aging is a true sign of your commitment to your community. This entity is very important and pertinent to all communities in Alaska. The signs of the times are not encouraging for services that are critical for improving the lives of our seniors. With this commission we can assure our seniors will be cared for with dignity. We must continue to support the provisions that are in place.

Your efforts are truly appreciated.

Sincerely,



Arleen Voorhees
400 Spruce St
Fairbanks, AK 99709

2/16/04

I am one of the four employees for Mountain View Food Service in Petersburg. We serve 30-40 dinners to the Senior Citizens 3 nights a week. About 1/2 that number are home delivered meals, to people who have come to depend on us. I have worked for this program for the last 10 yrs and I am dependant on this job. I would hate to see us lose funding for our program here in Petersburg. I love my job and the service we are able to provide to our seniors. Many times our clients have said "I don't know what we would do without you and the dinners" We need to keep our program going for our seniors.

Thank You,

Darnell Wilton

2/16/04

HOUSE STATE AFFAIRS COMTE

● Ruth W. Sandvik Box 526

Petersburg AK

Thank you Representative
Holm for House Bill 394. Alaska

Commission on Aging needs to
be extended ad infinitum.

● The need for its services is
expanding and vital to the
Alaskan seniors. I have

been with the Petersburg
program
~~contingent~~ since its inception.

Sincerely Ruth Sandvik
member Mt. View ~~Area~~
Food Services Board.

2/16/04

House State Affairs Comte:

On ~~to~~ The Alaska State Commission On Aging

Comment:

I would like to impress upon you how important the food service is to our seniors.

Many of our participants are living on minimum Social Security incomes, and since the State has taken away their \$250 per month Longevity Bonus payments, the State Subsidy that is paid for the three meals per week that the Food Service provides is all the more important to their survival and health maintenance.

If the State can afford to build new roads and bridges to no where and new Ferry Systems that no one wants or needs, then surely the pitiful amount that is provided for the Food Service cannot be a financial burden, and should not be eliminated.

Arlene Otness
Arlene Otness,
MT. View Food Service
Board Member.

Audit Report

DEPARTMENT OF HEALTH
AND SOCIAL SERVICES
ALASKA COMMISSION ON AGING
SUNSET REVIEW

October 1, 2003



Audit Control Number:

06-20025-03

Division of Legislative Audit
P.O. Box 113300, Juneau, Alaska 99811-3300

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

DIVISION OF LEGISLATIVE AUDIT

The Legislative Budget and Audit Committee is a permanent interim committee of the Alaska Legislature. The committee is made up of five senators and five representatives, with one alternate from the Senate and two from the House. The chairmanship of the committee alternates between the two chambers every legislature.

The committee is responsible for providing the legislature with audits of state government agencies. The programs and activities of state government now cost more than \$6 billion a year. As legislators and administrators try increasingly to allocate state revenues effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by the Division of Legislative Audit helps provide that information.

As a guide to all their work, the Division of Legislative Audit complies with generally accepted auditing standards established by the American Institute of Certified Public Accountants and with government auditing standards established by the U.S. General Accounting Office.

Audits are performed as mandated by Alaska Statutes or at the direction of the Legislative Budget and Audit Committee. Individual legislators or committees can submit requests for audits of specific programs or agencies to the committee for consideration. Copies of all completed audits are available from the Division of Legislative Audit's offices in Juneau, Anchorage, or at our web site <http://www.legaudit.state.ak.us/>

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Pat Davidson, CPA
Legislative Auditor

P.O. Box 113300
Juneau, AK 99811-3300

(907)465-3830, Juneau
(907)561-1445, Anchorage
(907)465-2347, Juneau Fax
(907)561-1452 Anchorage Fax

HB

404

STATE OF ALASKA

ALASKA COMMISSION ON POSTSECONDARY EDUCATION

FRANK H. MURKOWSKI, GOVERNOR

3030 VINTAGE BLVD.
JUNEAU, ALASKA 99801-7100
VOICE (800) 441-2902
In Juneau (907) 465 6710
DD (907) 465 3143
FAX (907) 465-3293

February 9, 2004

VIA FACSIMILE TRANSMISSION

The Honorable Peggy Wilson, Chair
Health, Education, and Social Services Committee
Alaska House of Representatives
State Capitol, Room 106
Juneau, AK 99801

Dear Representative Wilson,

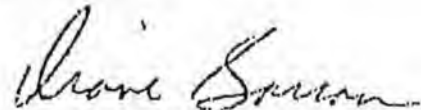
I am writing to formally request that House Bill 404, an act relating to the Alaska Commission on Postsecondary Education and the Alaska Student Loan Corporation, be scheduled for a hearing in your committee.

HB404's objectives are to:

1. Broaden the scope of the Corporation's bonding authority;
2. Reconstitute the State student grant program to focus on Alaska's workforce needs;
3. Provide loan borrowers with better loan consolidation options;
4. Clarify the Commission's ability to administratively issue liens in the collection defaulted education loans; and
5. Provide certain exemption from the State Procurement Code for services related to guaranteeing and disbursing loans.

Thank you in advance for your consideration of this request. The original of this letter will be forwarded to you with the following attachments: the Governor's transmittal letter, a current version of the bill, and a sectional analysis.

Sincerely,



Diane Barrans
Executive Director

Attachments (3)

Governor's transmittal letter dated January 28:

Dear Speaker Kott:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill relating to the Alaska Commission on Post-secondary Education (ACPE) and the Alaska Student Loan Corporation (ASLC). This bill is a result of ASLC board members and management, in consultation with financial advisors, proposing a mechanism where (1) the state could optimize the use of its financial assets and deliver a greater return to Alaskans for its initial investment in ASLC and ACPE; and (2) continue to effectively administer ACPE/ASLC financial aid programs.

The bill would allow ASLC to issue bonds utilizing future cash flow that is in excess of that needed for effective and efficient operation of corporation programs. ASLC predicts it can return \$260 million to the state over a three-year period beginning in 2004; the proceeds from which would be available to finance capital projects.

The ASLC's primary mission is to support, promote, and provide access to postsecondary education for Alaskans. The objective of this legislation is to continue to serve that mission, but to do so in a way that permits ASLC to serve broader state interests through the efficient allocation of financial resources. As part of the development process, cash flow models were developed to ensure the corporation has and will continue to have the financial capacity to discount loan interest rates and deliver outstanding borrower benefits to its primary customers -- Alaska students and their families.

The bill establishes a "needs-based-grant" program to be funded from corporate receipts and federal matching dollars. Grants must be used for qualified Alaska education programs focused on meeting Alaska's labor shortage needs. A priority is placed on students enrolled in programs of study (such as health care and education) where there is a severe shortage of trained individuals in Alaska.

The bill also creates an "administrative collection order" and a process for establishment and use of such an order by ACPE. An administrative collection order would allow ACPE to establish a lien on borrower's property when that person has broken their promise to re-pay an education loan.

Finally, the bill exempts ACPE and ASLC contracts for disbursing and guaranteeing financial aid money from Alaska's procurement code. This creates efficiencies in the internal operations of ACPE and ASLC and meets the needs of participating post-secondary institutions (ACPE contracts with a guaranty agency and disbursing agents to electronically guarantee and/or disburse financial aid money for students to colleges and universities).

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski
Governor

23-GH2003\D
Cook
2/12/04

CS FOR HOUSE BILL NO. 404(HES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Alaska Commission on Postsecondary Education; relating to the**
2 **Alaska Student Loan Corporation; relating to bonds of the corporation; relating to loan**
3 **and grant programs of the commission; relating to an exemption from the State**
4 **Procurement Code regarding certain contracts of the commission or corporation;**
5 **making conforming changes; and providing for an effective date."**

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

7 *** Section 1. AS 14.42.030(e) is amended to read:**

8 (e) The commission may

9 (1) adopt regulations under AS 44.62 (Administrative Procedure Act)

10 to

11 (A) carry out the purposes of

12 (i) AS 14.43.091 - 14.43.750, 14.43.990, AS 14.44, and

13 AS 14.48; and

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(ii) AS 14.43.910 and 14.43.920 as they relate to the purposes of AS 14.43.091 - 14.43.750, 14.43.990, AS 14.44, and AS 14.48; [AND]

(B) ensure compliance with the requirements imposed by state and federal statutes and regulations governing the guaranty, insurance, purchase, or other dealings in eligible loans by federal agencies, instrumentalities, or corporations; and

(C) establish standards for the

(i) administration of hearings conducted under AS 14.43.153; and

(ii) administrative enforcement of collection orders under AS 14.43.151 - 14.43.155;

(2) delegate to the executive director of the commission or a subcommittee of the commission any duty imposed on or power granted to the commission by this chapter, AS 14.43, AS 14.44, or AS 14.48, except its power to adopt regulations and its duty to consider appeals under AS 14.43.100(b) and AS 14.48.120;

(3) establish task forces, committees, or subcommittees, not necessarily consisting of commission members, to advise and assist the commission in carrying out its functions;

(4) contract with or use existing institutions of postsecondary education or other individuals or organizations to make studies, conduct surveys, submit recommendations, or otherwise contribute to the work of the commission;

(5) establish fees for the review of an out-of-state institution that

(A) requests approval for participation in the programs under AS 14.43.091 - 14.43.750, 14.43.990, and AS 14.44; and

(B) is not accredited by a national or regional accreditation association recognized by the Council for Higher Education Accreditation; and

(6) collect all fees and costs incurred in collection of the amount owed on a loan or repayment obligation if the loan or repayment obligation becomes delinquent or in default; in this paragraph, fees and costs include attorney fees, court

1 costs, and collection fees charged by a collection agency.

2 * Sec. 2. AS 14.42.210(a) is amended to read:

3 (a) The education loan fund is established in the corporation. The education
4 loan fund is a trust fund to be used to carry out the purposes of AS 14.42.100 -
5 14.42.990, AS 14.43.091 - 14.43.175, 14.43.400 - 14.43.500, 14.43.600 - 14.43.700,
6 14.43.710 - 14.43.750, 14.43.990, and AS 14.44.025. The fund consists of money or
7 assets appropriated or transferred to the corporation for the fund and money or assets
8 deposited in it by the corporation. The corporation may establish separate accounts in
9 the fund.

10 * Sec. 3. AS 14.42.210(b) is amended to read:

11 (b) Money and other assets of the education loan fund may be used to

12 (1) secure bonds of the corporation;

13 (2) pay the costs of administration of the fund;

14 (3) invest in education loans and investments under AS 37.10.071;

15 (4) finance programs approved under AS 14.43.091 - 14.43.175,
16 14.43.400 - 14.43.500, 14.43.600 - 14.43.700, 14.43.710 - 14.43.750, or
17 AS 14.44.040; and

18 (5) pay the costs of administering and collecting the loans and
19 repayment obligations under the financial aid programs listed in (4) of this subsection.

20 * Sec. 4. AS 14.42.220(a) is amended to read:

21 (a) The [SUBJECT TO (f) OF THIS SECTION, THE] corporation may
22 borrow money and may issue bonds, on which the principal and interest are payable
23 from its income and receipts or other assets or a designated part or parts of them. The
24 corporation may use the proceeds of its bonds for any purposes that the
25 corporation considers appropriate, including providing money to

26 (1) make or purchase education loans;

27 (2) finance programs identified in AS 14.42.210;

28 (3) finance projects of the state as those projects may be identified
29 by law; and

30 (4) pay for any other purpose or program of the corporation that
31 is authorized in AS 14.42.100 - 14.42.310.

1 * **Sec. 5.** AS 14.42.220 is amended by adding a new subsection to read:

2 (g) The corporation may not issue bonds to finance projects under (a)(3) of
3 this section in an aggregate amount that exceeds \$280,000,000.

4 * **Sec. 6.** AS 14.43.120(u) is amended to read:

5 (u) The corporation [COMMISSION] by regulation shall set a loan
6 origination fee, not to exceed five percent of the total education loan amount, to be
7 assessed upon an education loan that is funded from the education loan fund of the
8 corporation [ALASKA STUDENT LOAN CORPORATION]. The loan origination
9 fee shall be deducted by the commission at the time the loan is disbursed. The
10 [SUBJECT TO APPROPRIATION, THE] loan origination fees shall be deposited into
11 an origination fee account within the education loan fund of the corporation
12 [ALASKA STUDENT LOAN CORPORATION], and subsequently used by the
13 corporation to offset losses incurred as a result of death, disability, default, or
14 bankruptcy of the borrower.

15 * **Sec. 7.** AS 14.43.122(a) is amended to read:

16 (a) The commission may offer

17 (1) a borrower who has received more than one education loan
18 [UNDER AS 14.43.091 - 14.43.160] the option of consolidating the multiple loans
19 into a single loan; or

20 (2) to consolidate education loans made [UNDER AS 14.43.091 -
21 14.43.160] to married borrowers if the married borrowers agree to be jointly and
22 severally liable for repayment of the consolidated loan, regardless of the borrowers'
23 future marital status or the death of one of the borrowers.

24 * **Sec. 8.** AS 14.43.145(a) is amended to read:

25 (a) For the purposes of this chapter, a loan is in default after a loan payment
26 has become 180 or more days past due or, for a loan under AS 14.43.161 - 14.43.168
27 or 14.43.170 - 14.43.175, the default requirements established by the commission have
28 been met. Upon default,

29 (1) repayment of the remaining balance is accelerated and due;

30 (2) the commission may take the borrower's permanent fund dividend
31 under AS 43.23.067;

1 (3) the commission may issue an order to withhold and deliver under
2 AS 14.43.147;

3 (4) the commission may provide notice of the default to a licensing
4 entity for nonrenewal of the license under AS 14.43.148; [AND]

5 (5) the commission may record the lien created under AS 14.43.149;
6 and

7 (6) the commission may establish an administrative collection
8 order under AS 14.43.151 - 14.43.155.

9 * **Sec. 9.** AS 14.43 is amended by adding new sections to read:

10 **Sec. 14.43.151. Authority and procedure to administratively establish and**
11 **enforce a collection order.** If a judgment in favor of the commission has not been
12 entered by the court regarding a defaulted loan awarded under this chapter, the
13 commission may establish a duty to repay the defaulted loan through a collection order
14 using the procedures prescribed in AS 14.43.152 - 14.43.155 and may enforce the
15 collection order using the procedure prescribed in AS 14.43.149. Action under this
16 section may be undertaken at the commission's discretion if the borrower is in default
17 under AS 14.43.145.

18 **Sec. 14.43.152. Initiation of administrative action to establish a collection**
19 **order; required notice.** (a) An action to establish a collection order authorized under
20 AS 14.43.151 is initiated by the commission's serving on the borrower a notice of
21 establishment of collection order. The notice shall be served by mailing the notice to
22 the borrower at

23 (1) the borrower's most recent address provided to the commission by
24 the borrower; or

25 (2) another address known to the commission.

26 (b) The notice served under (a) of this section must state

27 (1) the amount of the liability for default under AS 14.43.145 for
28 which the borrower is found to be responsible; the amount stated under this paragraph
29 shall include all principal, interest, and collection fees;

30 (2) that a lien may be recorded against the borrower's property as
31 authorized under AS 14.43.145(a)(5);

1 (3) that the borrower may appear at a hearing held by the commission
2 and show cause that a collection order should not be entered because, at the time of the
3 notice,

4 (A) no loan payment was more than 180 days past due or, for a
5 loan under AS 14.43.161 - 14.43.168 or 14.43.170 - 14.43.175, the default
6 requirements established by the commission had not yet been met; or

7 (B) the borrower had entered into, or was in compliance with,
8 an agreement to forbear default with the commission; and

9 (4) that, if the borrower served with the notice does not request a
10 hearing within 30 days after the date of mailing of the notice, a collection order will be
11 entered and the property of the borrower will be subject to a lien under AS 14.43.149
12 in the amount stated in the collection order without further notice or hearing.

13 **Sec. 14.43.153. Hearings in administrative action to establish a collection**
14 **order; burden of proof.** (a) A borrower served with a notice of establishment of
15 collection order under AS 14.43.152 is entitled to a hearing before the commission if
16 the request for a hearing is served on the commission by registered mail, return receipt
17 requested, within 30 days after the date the notice is mailed to the borrower.

18 (b) If a request for a hearing in accordance with (a) of this section is made, the
19 issuance of a collection order is automatically stayed pending the decision of the
20 hearing officer for the commission. If a request for a hearing is not made, the
21 collection order is final at the expiration of the 30-day period specified in (a) of this
22 section.

23 (c) A borrower claiming that the notice is incorrect has the burden at hearing
24 to document the existence of one of the conditions described in AS 14.43.152(b)(3)(A)
25 and (B).

26 (d) Within 60 days after the date of the hearing, the hearing officer shall enter
27 a decision determining whether default has occurred and, if default has occurred,
28 specifying the amount of the collection order and declaring that the property of the
29 borrower is subject to a lien under AS 14.43.149 in the amount of the collection order.

30 (e) If the borrower who requested the hearing fails to appear at the hearing, the
31 hearing officer shall enter a decision

- 1 (1) confirming that a default has occurred;
2 (2) confirming the amount of the collection order;
3 (3) declaring that the property of the borrower is subject to a lien under
4 AS 14.43.149 in the amount stated under (2) of this subsection.

5 (f) The decision of the hearing officer is a final decision that may be appealed
6 to the superior court under the Alaska Rules of Appellate Procedure.

7 **Sec. 14.43.154. Collection orders as judgments.** A collection order is
8 equivalent to a judgment for purposes of AS 14.43.149 and becomes vested

9 (1) at the expiration of the 30-day period described in AS 14.43.153(b)
10 if a hearing is not requested; or

11 (2) on the date the hearing officer enters a decision in favor of the
12 commission if a hearing was requested by the borrower.

13 **Sec. 14.43.155. Nature of remedies.** AS 14.43.154 provides a remedy in
14 addition to and not as a substitute for any other remedies available to the commission.

15 * **Sec. 10.** AS 14.43.161 is amended to read:

16 **Sec. 14.43.161. Purpose; creation.** There is established the AlaskAdvantage
17 [ALASKA ADVANTAGE] loan program to provide postsecondary educational
18 financial assistance through the federal guaranteed student loan program. The
19 AlaskAdvantage [ALASKA ADVANTAGE] loan program is the primary source for
20 financial aid to eligible borrowers under this chapter.

21 * **Sec. 11.** AS 14.43.166 is amended to read:

22 **Sec. 14.43.166. Repayment of loans.** A borrower's obligation to commence
23 repayment of the principal and interest on a loan under AS 14.43.161 - 14.43.166 and
24 14.43.168 [AS 14.43.161 - 14.43.168] begins six months after the borrower's
25 completion or other termination of the postsecondary education program. The
26 commission may accelerate the repayment of any loan made in error or in reliance
27 upon a false statement made by the borrower. The commission shall determine the
28 period over which loans are repaid; however, the maximum period of repayment of
29 loans may not exceed the maximum period permitted under applicable provisions of
30 the federal guaranteed student loan program.

31 * **Sec. 12.** AS 14.43.168(b) is amended to read:

1 (b) The provisions of AS 14.43.145 - 14.43.155 [AS 14.43.145 - 14.43.150]
2 apply to loans under AS 14.43.161 - 14.43.168 that are in default.

3 * **Sec. 13.** AS 14.43.170 is amended to read:

4 **Sec. 14.43.170. Creation; purpose.** There is created the Alaska supplemental
5 education loan program to provide postsecondary educational supplemental financial
6 assistance. Supplemental financial assistance is available only if the financial aid
7 available through the AlaskAdvantage [ALASKA ADVANTAGE] loan program is
8 insufficient to cover the costs of attendance at a postsecondary institution or if the
9 borrower does not qualify for financial aid under the federal guaranteed student loan
10 program. The commission shall make the public aware of the Alaska supplemental
11 education loan program to facilitate providing loans to as many eligible borrowers as
12 possible.

13 * **Sec. 14.** AS 14.43.171 is amended to read:

14 **Sec. 14.43.171. Applicability of other laws.** The provisions of
15 AS 14.43.120(d)(4), 14.43.122, 14.43.135, 14.43.140, 14.43.145 - 14.43.160,
16 14.43.164, 14.43.166, and 14.43.168 [AND 14.43.166 - 14.43.168] apply to the loans
17 made under AS 14.43.170 - 14.43.175 as if the loans were made under those
18 applicable provisions.

19 * **Sec. 15.** AS 14.43.172(c) is amended to read:

20 (c) In addition to the provisions of (a) of this section, a borrower is eligible for
21 a loan under AS 14.43.170 - 14.43.175 if the borrower

22 (1) is not delinquent in payment [ON AND HAS NEVER BEEN IN
23 DEFAULT] on a loan previously awarded by the commission;

24 (2) at the time of application or loan disbursement, does not have a
25 past due child support obligation established by court order or by the child support
26 enforcement division under AS 25.27.160 - 25.27.220;

27 (3) has not, within the previous five years, had a loan discharged or
28 written off by the commission for any reason;

29 (4) does not have a status, at the time of application for a loan or
30 disbursement of loan money, that would prevent the borrower from repaying the loan
31 as it becomes due;

1 (5) has not, within the previous five years, defaulted on another loan
2 made to the borrower by a lending entity unless the borrower can show good faith
3 efforts to repay the loan and extraordinary circumstances that led to the default;
4 [AND]

5 (6) does not have a credit history, at the time of application for a loan,
6 that demonstrates chronic inability or unwillingness to pay an extension of credit or
7 loan as it becomes due; and [.]

8 (7) has [AS] complied with the military selective service registration
9 requirements imposed under 50 U.S.C. App. 453 (Military Selective Service Act), if
10 those requirements were applicable to the person.

11 * **Sec. 16.** AS 14.43.172(d) is amended to read:

12 (d) The commission may not make a loan to a borrower who has been in
13 default on a loan previously awarded by the commission unless [IF

14 (1)] the previously awarded loan has been paid in full [; AND

15 (2) ANOTHER INDIVIDUAL WHO SATISFIES THE
16 REQUIREMENTS OF (c) OF THIS SECTION COSIGNS THE LOAN].

17 * **Sec. 17.** AS 14.43.300(a) is amended to read:

18 (a) An education loan to a recipient under AS 14.43.250(b)(1) - (4) or (6) may
19 not exceed \$2,500 a school year for an undergraduate student or \$5,000 a school year
20 for a graduate student [, EXCLUSIVE OF LOAN GUARANTEE FEES UNDER (g)
21 OF THIS SECTION,] and may not be made to a student for more than six years. An
22 education loan to a recipient under AS 14.43.250(b)(5) may not exceed the cost of
23 tuition and required fees, [LOAN GUARANTEE FEES UNDER (g) OF THIS
24 SECTION,] books and educational supplies, room and board, and transportation for
25 two round trips between the recipient's home and school each year. A loan under
26 AS 14.43.250(b)(5) may not be made for more than five years of undergraduate study,
27 five years of graduate study, or a combined maximum of eight years of study.

28 * **Sec. 18.** AS 14.43.400 is amended to read:

29 **Sec. 14.43.400. Purpose; creation.** There is created [ESTABLISHED] the
30 Alaska Advantage education [ALASKA STATE EDUCATIONAL INCENTIVE]
31 grant program to provide financial assistance to eligible students to enable them to

1 attend, or continue their attendance at, postsecondary educational institutions. Funds
2 designated by the corporation or appropriated for this program may [SHALL] be
3 used as matching funds for the state's participation in the federal [STATE STUDENT
4 INCENTIVE] grant program under 20 U.S.C. 1070c - 1070c-4 [(P.L. 92-318; 20
5 U.S.C. 1070C - 1070C-3)].

6 * **Sec. 19.** AS 14.43.405(a) is repealed and reenacted to read:

7 (a) The AlaskAdvantage education grant program created under AS 14.43.400
8 - 14.43.500 shall be administered by the executive director of the commission.

9 * **Sec. 20.** AS 14.43 is amended by adding a new section to read:

10 **Sec. 14.43.406. Applicability of other laws.** (a) To the extent they are not in
11 conflict with the provisions of AS 14.43.400 - 14.43.500, the provisions of
12 AS 14.43.162(b), 14.43.910, and 14.43.920 apply to a grant made under AS 14.43.400
13 - 14.43.500.

14 (b) In determining a student's eligibility for a grant under AS 14.43.400 -
15 14.43.500, the executive director of the commission shall apply the standards
16 contained in the definitions of "full-time student," "half-time student," and "school
17 year" in AS 14.43.160 as if those provisions were applicable to application for the
18 grant.

19 * **Sec. 21.** AS 14.43.410 is amended to read:

20 **Sec. 14.43.410. Distribution of funds.** The funds [APPROPRIATED] for the
21 AlaskAdvantage education [EDUCATIONAL INCENTIVE] grant program may
22 [SHALL] be allocated to eligible students in accordance with the provisions of the
23 federal [STATE STUDENT INCENTIVE] grant program under 20 U.S.C. 1070c -
24 1070c-4 and regulations adopted under AS 14.43.105 and 14.43.405.

25 * **Sec. 22.** AS 14.43.410 is amended by adding a new subsection to read:

26 (b) The commission may set aside a portion of grant awards for otherwise
27 eligible applicants whose employment prevents them from attending school on a full-
28 time basis. The commission shall adopt regulations to carry out the purposes of this
29 subsection.

30 * **Sec. 23.** AS 14.43.415 is repealed and reenacted to read:

31 **Sec. 14.43.415. Eligibility; priority.** (a) For an applicant to be eligible for a

1 grant under AS 14.43.400 - 14.43.500, the applicant must be

2 (1) a resident of this state;

3 (2) enrolled or about to be enrolled

4 (A) at an institution approved to participate in federal financial
5 aid programs under 20 U.S.C. 1070 - 1099c-2, as amended, located in this
6 state; and

7 (B) on at least a half-time basis; and

8 (3) able to demonstrate financial need in accordance with standards for
9 determining financial need established by the commission under 20 U.S.C. 1070c-2, as
10 amended.

11 (b) The commission shall give an applicant eligible under (a) of this section
12 priority for a grant award if that applicant is, or is about to be, enrolled in a program of
13 study that is preparatory for employment in an occupation or profession for which the
14 Department of Labor and Workforce Development, or another workforce data source
15 selected as reliable by the commission, indicates there is a severe shortage of trained
16 individuals in this state. Additionally, the commission may give an applicant priority
17 for a grant award if that applicant has participated in a secondary education program
18 of study that can be demonstrated to the commission to be a predictor for success at
19 the postsecondary education level for a program of study described in this subsection.
20 For purposes of this subsection,

21 (1) "occupation or profession" means a job for which specific
22 postsecondary certification is a prerequisite for entry-level placement;

23 (2) "severe shortage" means a current or recurring job vacancy rate of
24 15 percent or greater, as determined by the Department of Labor and Workforce
25 Development or by another workforce data source determined reliable by the
26 commission.

27 (c) The commission shall adopt regulations to establish a prioritization process
28 for awarding grants under AS 14.43.400 - 14.43.500.

29 * Sec. 24. AS 14.43.420(a) is amended to read:

30 (a) A grant made under AS 14.43.400 - 14.43.500 may not be in an amount
31 less than \$500 [\$100] nor more than \$2,000 [\$1,500] for each school [ACADEMIC]

1 year.

2 * **Sec. 25.** AS 14.43.420 is amended by adding a new subsection to read:

3 (c) A student may receive not more than a total of \$8,000 in grants awarded
4 under AS 14.43.400 - 14.43.500.

5 * **Sec. 26.** AS 14.43.740(a) is amended to read:

6 (a) The provisions of AS 14.43.100, 14.43.120(a) - (c), (m), and (r) - (u),
7 14.43.122 [14.43.110, 14.43.120(a) - (d), (m), AND (r) - (u)], 14.43.135, 14.43.145 -
8 14.43.155 [14.43.145 - 14.43.150], and 14.43.910 - 14.43.990 apply to a loan made
9 under AS 14.43.710 - 14.43.750.

10 * **Sec. 27.** AS 14.43.740 is amended by adding a new subsection to read:

11 (g) The commission may, by regulation, set loan limits for loans made under
12 AS 14.43.710 - 14.43.750.

13 * **Sec. 28.** AS 14.43.990 is amended by adding new paragraphs to read:

14 (5) "AlaskAdvantage" means the service mark registered by the
15 commission under 15 U.S.C. 1051 (Trademark Act) that is used to describe financial
16 aid and higher education outreach programs and services provided by the commission;

17 (6) "education loan" means a loan made to finance the cost of
18 attendance in a postsecondary education program that is made by the commission or is
19 a loan received through the federal guaranteed student loan program.

20 * **Sec. 29.** AS 14.44.040(c) is amended to read:

21 (c) If a program participant defaults on the repayment obligation, the
22 provisions of AS 14.43.145 - 14.43.155 [AS 14.43.145 - 14.43.150] apply to collect
23 on the obligation as if it were a defaulted loan under AS 14.43.

24 * **Sec. 30.** AS 36.30.850(b) is amended by adding a new paragraph to read:

25 (44) contracts of the Alaska Commission on Postsecondary Education
26 or the Alaska Student Loan Corporation for the guarantee and disbursing of financial
27 aid money to institutions of postsecondary education under the financial aid programs
28 under AS 14.43.091 - 14.43.750 and AS 14.44.025.

29 * **Sec. 31.** AS 14.42.110, 14.42.220(f); AS 14.43.122(b), 14.43.300(g), 14.43.405(b),
30 14.43.420(b), 14.43.500(1), and 14.43.500(2) are repealed.

31 * **Sec. 32.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 TRANSITION: REGULATIONS. The Alaska Student Loan Corporation may
3 proceed to adopt regulations to implement the changes made by sec. 6 of this Act. The
4 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
5 effective date of sec. 6 of this Act.

6 * Sec. 33. The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 REVISOR OF STATUTES INSTRUCTIONS. (a) The revisor of statutes is
9 instructed to change the heading of Article 5 of AS 14.43 from "Article 5. Alaska Advantage
10 Loan Program." to "Article 5. AlaskAdvantage Loan Program."

11 (b) The revisor of statutes is instructed to change the heading of Article 8 of AS 14.43
12 from "Article 8. Educational Incentive Grant Program." to "Article 8. AlaskAdvantage
13 Education Grant Program."

14 * Sec. 34. The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 REGULATIONS ATTORNEY INSTRUCTIONS. Wherever in the Alaska
17 Administrative Code the term "Alaska advantage" is used, it shall be read as
18 "AlaskAdvantage" when to do so would be consistent with the changes in this Act. Under
19 AS 44.62.125(b)(6), the regulations attorney is instructed to make changes in the Alaska
20 Administrative Code consistent with this section.

21 * Sec. 35. Section 6 of this Act takes effect January 1, 2005.

22 * Sec. 36. Except as provided in sec. 35 of this Act, this Act takes effect immediately under
23 AS 01.10.070(c).

ALASKA COMMISSION ON POSTSECONDARY EDUCATION
SECTIONAL ANALYSIS
CSHB 404 (2/19/04)

BILL SECTION	AK STATUTE SECTION TITLE	PAGE	LINE	PURPOSE OF SECTION	TYPE OF CHANGE
1	ACPE authorized functions. 14.42.030(e)	1-3	7-1	Adds authority to establish and enforce collection orders on defaulted loans and provide for borrower appeals of collection orders.	Amended Language
2	Education loan fund. 14.42.210(a)	3	2-9	Conforming change to add revised grant program.	Amended Language
3	14.42.210(b)	3	10-19	Conforming change; by reference, specifically authorizes grant program funding.	Amended Language
4	Bonds of the corporation. 14.43.220(a)	3	20-31	Expand the use of bond proceeds to pay costs of state projects.	Amended Language
5	Bonds of the corporation. 14.43.220(p)	4	1-3	Places an aggregate cap on the amount of bonds the corporation may issue to finance projects of the state.	New Language
6	Conditions of loans. 14.43.120(u)	4	4-14	Makes determination of an origination fee a corporation function and automatically places fees into the education loan fund of the corporation.	Amended Language
7	Consolidation of loans. 14.43.122(a)	4	15-23	Increases flexibility for offering loan consolidation options.	Amended Language
8	Default. 14.43.145 (a)	4-5	24-8	Provides authority to establish a collection order as a means of recovering on defaulted loans.	Amended Language
9	Authority and procedure to administratively establish and enforce a collection order. 14.43.151	5	9-17	Describes administrative process for establishing a lien through a collection order.	New Language
	Initiation of administrative action to establish a collection order; required notice. 14.43.152	5-6	18-12	Steps for establishing collection order; notice to borrower.	
	Hearings in administrative action to establish a collection order; burden of proof. 14.43.153	6-7	13-6	Provides due process for borrower to contest establishment of collection order through administrative hearing.	

BILL SECTION	AK STATUTE SECTION TITLE	PAGE	LINE	PURPOSE OF SECTION	TYPE OF CHANGE
	Collection order as judgments. Sec. 14.43.154	7	7-12	Provides that collection order is equivalent to judgment.	New Language.
	Nature of remedies. 14.43.155	7	13-14	Provides that collection order is an alternate remedy to commission.	New Language
10	Purpose; creation. 14.43.161	7	15-20	Conforming change of trademark name.	Amended Language.
11	Repayment of loans. 14.43.166	7	21-30	Requires immediate repayment of consolidation loans.	Amended Language.
12	Default. 14.43.168(b)	7-8	31-2	Conforming change to incorporate new administrative collection order authority.	Amended Language
13	Creation, purpose. 14.43.170	8	3-12	Conforming change of trademark name.	Amended Language
14	Applicability of other laws. 14.43.171	8	13-18	Changes applicable cite to allow for consolidation of supplemental education loans.	Amended Language
15	Eligibility. 14.43.172(c)	8-9	19-10	Revised so borrower that has fully repaid a defaulted loan may be eligible for new loan without a cosigner.	Amended Language
16	Eligibility. 14.43.172(d)	9	11-16		
17	Limits and conditions of loans. 14.43.300(a)	9	17-27	Clean up amendment. Guarantee fees eliminated in prior legislation. Origination fee currently charged.	Amending Language
18	Purpose: creation. 14.43.400	9-10	28-5	Revised to rename and describe grant program.	Amended Language
19	Administration. 14.43.405(a)	10	6-8	Conforming change of name of grant program to be administered as provided in 14.42.030.	Amended Language
20	Applicability of other laws. 14.43.406	10	9-18	Conforms by incorporating reference to other aid programs, grant program residency requirement, confidentiality of financial need information, repayment for an ineligible recipient, and definitions.	New Language
21	Distribution of funds. 14.43.410	10	19-24	Conforming change of name of grant program.	Amended Language

BILL SECTION	AK STATUTE SECTION TITLE	PAGE	LINE	PURPOSE OF SECTION	TYPE OF CHANGE
22	4.43.410(b)	10	25-29	Revised to permit grants for half-time study.	New Language
23	Eligibility; priority. 14.43.415	10-11	30-28	Revised to require in-state attendance. Requires prioritization of eligible programs of study based on state workforce needs.	Amended Language
24	Limitation on grants. 14.43.420(a)	11-12	29-1	Revises minimum and maximum grant amounts.	Amended Language
25	14.43.420(c)	12	2-4	Sets maximum grant dollars per recipient.	New Language
26	Loan terms and conditions. 14.43.740(a)	12	5-9	Removes student-specific loan maximum; permits loan consolidation and administrative collection from liens.	Amended Language
27	14.43.740(g)	12	10-12	Permits commission to set loan limits by regulation.	New Language
28	Definition. 14.43.990	12	13-19	Provide definition for AlaskAdvantage, the agency's service mark registered under the Trademark Act.	New Language.
29	Repayment condition for program participants. 14.44.040(c)	12	20-23	Conforming change to include new authority for collection order for defaulted WICHE PSEP loans.	Amended Language
30	Application of this chapter. General Provisions to state procurement code. 36.30.850(b)	12	24-28	Excludes contracts for electronic services entered into by the Commission and Corporation for financial aid administration.	Amended Language
31	Repealer section	12	29-30	Repeal AS 14.42.110. Purpose of corporation. Repeal AS 14.42.220(f). Limits aggregate amount of bonds that can be issued in two consecutive years other than through legislation. Repeal 14.43.122(b). Limits consolidated loan interest rate to be weighted average of the interest rates on loans being consolidated.	Amending Language.

BILL SECTION	AK STATUTE SECTION TITLE	PAGE	LINE	PURPOSE OF SECTION	TYPE OF CHANGE
31	Repealer section (cont'd)	12	29-30	<p>Repeal 14.43.300(g). ACPE authority to set loan origination fee on memorial education loans. Duplicate language of 14.43.120(u) incorporated by reference.</p> <p>Repeal 14.43.405(b). Student aid provisions applicable to the grant program. Replaced in Sec. 18.</p> <p>Repeal 14.43.420(b). Allows grant to be used at accredited postsecondary educational institution, already stated in eligibility section 14.43.415. See Sec. 20.</p> <p>Repeal 14.43.500(1) Defines resident. Replaced in Sec. 20 by incorporating residency requirement of 14.43.162.</p> <p>Repeal 14.43 500(2) Defines undergraduate. Term not used in remaining text.</p>	Amending Language.
32	Transition language.	12-13	31-5	Authorization to promulgate regulations.	
33	Instructions to Revisor	13	6-13	Conforming changes to titles in Articles 5 and 8.	
34	Instructions to Regulations Attorney	13	14-20	instructions to make conforming changes to insert "AlaskAdvantage" in regulations.	
35	Effective date section.	13	21	Providing for Sec. 6 to be effective January 1, 2005.	
36	Effective date section.	13	22-23	Providing for, except as stated in Sec. 35, this Act to have an immediate effective date.	

HB

405

Alaska State Legislature

HB 405 Historical

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House Special Committee on Education

Representative Carl Gatto, Chair

SPONSOR STATEMENT

HOUSE BILL 405

"AN ACT RELATING TO ACCOUNTABILITY OF PUBLIC SCHOOLS AND SCHOOL DISTRICTS, AND REPORTS CONCERNING ASSISTANCE TO IMPROVE SCHOOL PERFORMANCE; AND PROVIDING FOR AN EFFECTIVE DATE."

Alaska currently has two systems of school designators: a state system and the Federal system. Alaska law requires schools be given the designations "distinguished," "successful," "deficient," or "in crisis," whereas federal law uses terms such as "distinguished," "proficient," "in improvement," "corrective action," and "restructuring." Alaska law should be amended to align itself with Federal law.

This bill holds districts and public schools accountable but does not increase their administrative burden. Although this bill retains the requirement that a school not meeting adequate performance must draft a school improvement plan, the bill removes from statute the detailed descriptions of a school improvement plan. Federal laws, and the regulations adopted by the state board, already comprehensively and satisfactorily prescribe the required contents of an improvement plan.

In addition, this bill eliminates unnecessary and unhelpful reports, but keeps the school report card system intact. For example, current law requires below-proficient schools report to the state board. Yet, the state board already has the school report card from all schools, including those that are below proficient. This requirement is a paperwork and time burden on schools, districts, and the state board, while failing to substantially aid in the goal of educating children. Similarly, current state law requires the Department of Education and Early Development to provide the legislature with a report, separate from the school report card, on the progress of schools and districts. Preparation of this report does little to advance the understanding of the legislature or the public not already accomplished by the school report card. A better approach is to eliminate these unnecessary reporting burdens ensuring that accountability information is contained in the school report card, and continuing to refine and rely on this valuable reporting tool.

I urge your consideration and support for this measure.

HB 405
Eliminating the "Thick Report"

There are nine components of the report that is required in AS 14.03.070. These components are listed below with an explanation of why EED believes this report is no longer necessary.

1. **School Report Card Information**
 - a. This information is already located on the EED website.
2. **Number and Percentage of students in each school who pass the examination and the number who pass each section**
 - a. This information is already located on the EED website.
3. **Progress of the department a) toward implementing the school accountability provisions and b) in assisting high schools to become accredited**
 - a. Much of the current information included in this report can be found on the EED website. EED already posts Adequate Yearly Progress (AYP) school and district designations and state goals, state Annual Measurable Objectives and testing participation rates.
4. **Description of the resources provided to each school and district for school improvement activities and staff training**
 - a. EED receives copies of all school and district School Improvement Plans. EED, by federal law, does not have any authority to approve these plans, but does have some Title I funding to issue to Level 2 or higher School Improvement sites. Grant information can be posted on the EED website.
5. **Description of each district's and each school's progress in aligning curriculum with state standards**
 - a. Almost all districts, if not all by the end of this fiscal year, report they have aligned their curricula to state standards. The bigger question is, "Have districts aligned their instructional practices to the standards?" Answering this question, without relying on self-reported data, would be difficult to impossible.
6. **Description of efforts by the department to assist a public school that receives a designation of deficient or in crisis**
 - a. Because NCLB requires that we have only one comprehensive state assessment system, EED has proposed that these state school designations be eliminated in statute. Instead, the department would post, annually, school and districts not meeting AYP and at which levels each is at.
7. **Description of intervention efforts by each school district and school for students not meeting state standards**
 - a. This report of the activities of the Quality School Grants would be done annually and could be posted on the EED website.
8. **Number and percentage of turnover in certificated personnel and superintendents**
 - a. This data is self-reported by districts and would not be compiled if not for the requirement in AS14.03.070.
9. **Number of teachers by district and school who are teaching outside the teacher's area of endorsement, but in areas tested by the high school competency examination**
 - a. This information will be included in each school report card, which is already located on the EED website

