

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

1 IN THE HOUSE

BY THE RULES COMMITTEE BY REQUEST  
OF THE LEGISLATIVE COUNCIL

2 *45 OS* HOUSE BILL NO. 180 *Am Fin am S*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Alaska Commission on Postsecondary  
7 Education; and providing for an effective date."

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

9 \* Section 1. AS 14.40 is amended by adding new sections to read:

10 ARTICLE 11. ALASKA COMMISSION ON POSTSECONDARY EDUCATION.

11 Sec. 14.40.901. PURPOSE, INTENT. (a) The legislature finds and  
12 declares that it has become essential for Alaska to provide for a more  
13 efficient use of financial resources, both federal and state, in pro-  
14 viding postsecondary educational services to its citizens. Thus, the  
15 state should create a more closely articulated system of planning for  
16 postsecondary education, with special reference to occupational educa-  
17 tion and the unique contribution made by the community colleges. The  
18 objective of this chapter is the coordinated, comprehensive planning  
19 for postsecondary education in Alaska, encompassing public, private  
20 and proprietary postsecondary educational institutions and agencies in  
21 the state, in order to lessen the disparate planning efforts of the  
22 several state agencies and others now planning one or more elements  
23 of postsecondary education. At the same time, the Education Amendments  
24 of 1972 (PL 92-318) affords the state the opportunity to draw together  
25 programs widely scattered outside the statewide university system but  
26 which are related to postsecondary, and especially higher, education  
27 that would be more effectively administered by a more visible single  
28 agency and thus more clearly and directly accountable to the legislature  
29 and to the people of Alaska.

*45 OS* HB 180 *Am Fin am S*

1 (b) The legislature affirms that the constitutional responsibility  
2 and the legal authority for the operation and management of the state-  
3 wide university system remains solely with the Board of Regents of the  
4 University of Alaska and the authority for the operation and management  
5 of other postsecondary educational programs remains equally firmly  
6 lodged with the governing boards of the other private nonprofit and  
7 proprietary institutions in the state.

8 Sec. 14.40.903. CREATION, COMPOSITION, APPOINTMENT OF MEMBERS.

9 (a) There is in the Office of the Governor the Alaska Commission on  
10 Postsecondary Education consisting of:

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

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

16 (3) one person representing the Department of Education  
17 selected by the state board of education;

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

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

22 (6) one person from among the members of the local community  
23 college advisory councils appointed, initially, by the governor until  
24 the state Advisory Council on Community Colleges is established and  
25 organized under sec. 909(b) of this chapter; then, one member of the  
26 state Advisory Council on Community Colleges designated by the members  
27 of that body.

28 (b) For the purpose of (a)(4) of this section "broadly and equit-  
29 ably representative of the general public" means that the public

1 membership of the commission shall include adequate representation both  
2 on the basis of sex and on the basis of the significant racial, ethnic,  
3 geographic and economic groups in the state. One of the members repre-  
4 senting the general public shall be a member of a minority group, one  
5 shall be a graduate or undergraduate student in a public or private  
6 institution of higher education in the state, and one shall be a member  
7 of a labor organization. However, no governing body member, trustee,  
8 official or employee of either a public, private or proprietary insti-  
9 tution of postsecondary or higher education in the state may be appointed  
10 to membership on the commission as representative of the general public.

11 (c) The governor's appointees are subject to confirmation by the  
12 legislature and shall serve four-year staggered terms. Members  
13 appointed by bodies or agencies other than the governor serve at the  
14 pleasure of the appointing authority. However, a member who is a  
15 graduate or undergraduate student may serve only during the time he is  
16 a regular, full-time graduate or undergraduate student. Vacancies shall  
17 be filled in the same manner as original appointment.

18 Sec. 14.40.905. OFFICERS. The chairman and vice-chairman shall be  
19 elected from among the members of the commission for a one-year term and  
20 no member of the commission may serve as chairman for more than two  
21 consecutive one-year terms.

22 Sec. 14.40.907. MEETINGS, RULES, VOTES REQUIRED. The commission  
23 shall prescribe its own rules of procedure. The commission shall meet  
24 once quarterly at a time and place determined by the chairman, and at  
25 other times and places as the chairman, or a majority of the members of  
26 the commission, consider necessary. A quorum is a majority of the mem-  
27 bers of the commission. The votes of the commission members shall be  
28 recorded and effective action requires the affirmative vote of a  
29 majority of the commission members present. No commission member may,

1 with respect to a matter before the commission, vote for or on behalf of  
2 or in any way exercise the vote of, another member of the commission.

3 Sec. 14.40.909. FUNCTIONS OF THE COMMISSION. (a) The commission  
4 has the following functions, advisory to the governing boards of insti-  
5 tutions of public and private higher education in Alaska, to the gov-  
6 ernor, the legislature and to other appropriate state and federal  
7 officials:

8 (1) develop comprehensive plans for the orderly, coordinated  
9 growth of public and private postsecondary education, including com-  
10 munity colleges and occupational education, in the state and submit  
11 recommendations on the need for, and location of, new facilities and  
12 programs;

13 (2) advise as to the functions and purposes of the colleges  
14 and universities, both public and private, in the state and counsel as  
15 to the programs appropriate to each;

16 (3) review the annual budgets and capital outlay requests of  
17 the University of Alaska and of each of the private colleges and univer-  
18 sities in the state, and present comments on the general level of  
19 support sought;

20 (4) review and advise as to the working of all consortia and  
21 other cooperative agreements between the institutions of higher educa-  
22 tion in the state that are parties to them;

23 (5) submit to the governor and to the legislature within 10  
24 days after the beginning of each regular session of the legislature a  
25 report which recommends necessary or desirable changes, if any, in the  
26 functions and programs of the several segments of the total complex of  
27 both public and private postsecondary education in Alaska.

28 (b) The commission shall

29 (1) develop a comprehensive statewide plan for coordinated

1 postsecondary education in the state and serve as the state commission  
2 on postsecondary education required under sec. 1202 of Title XII of the  
3 Higher Education Act of 1965, as amended by the Education Amendments of  
4 1972 (PL 92-318, sec. 196; 86 Stat. 324);

5 (2) establish a state advisory council on community colleges  
6 and develop a comprehensive statewide plan for the expansion and improve-  
7 ment of the community colleges under sec. 1001 of Title X of the Higher  
8 Education Act of 1965, as amended by the Education Amendments of 1972  
9 (PL 92-318, sec. 186; 86 Stat. 312, 313);

10 (3) serve as the state agency required under secs. 105 of  
11 Title I (Community Service and Continuing Education), 603 of Title VI  
12 (Financial Assistance for Undergraduate Education) and 704 of Title VII  
13 (Construction of Academic Facilities) of the Higher Education Act of  
14 1965 (PL 89-329; 79 Stat. 1220, 1262; 20 U.S.C. 1005, 1123) as author-  
15 ized by sec. 1202(c) of Title XII of the Higher Education Act of 1965,  
16 as amended by the Education Amendments of 1972 (PL 92-318, sec. 196;  
17 86 Stat. 324);

18 (4) administer the provisions of AS 14.40.751 - 14.40.806  
19 (student loan and tuition grant program), and serve as the student  
20 financial aid committee;

21 (5) administer the provisions of AS 14.47.010 - 14.47.060  
22 (regulation of educational institutions: diplomas).

23 (c) The commission may establish task forces, committees or sub-  
24 committees, not necessarily consisting of commission members, to advise  
25 and assist the commission in carrying out its functions assigned by  
26 state or federal statute. The commission may contract with, or use,  
27 existing institutions of higher education or other organizations to make  
28 studies, conduct surveys, submit recommendations or otherwise contribute  
29 to the work of the commission. The commission may appoint a committee

1 to be responsible for the area of student financial aid.

2 Sec. 14.40.911. COLLECTION OF DATA. The commission may require  
3 the institutions of public and private higher education, and other  
4 institutions of postsecondary education, in the state to submit data on  
5 costs, selection and retention of students, enrollments, plant capacities  
6 and use and other matters pertinent to effective planning and coordina-  
7 tion, and shall furnish information concerning these matters to the  
8 governor, to the legislature and to other state and federal agencies as  
9 requested by them.

10 Sec. 14.40.913. APPOINTMENT OF EXECUTIVE OFFICER AND STAFF. The  
11 commission may appoint an executive officer. The executive officer is  
12 a member of the exempt service under AS 39.25.110, serves at the plea-  
13 sure of the commission, and he receives compensation fixed by the com-  
14 mission. The executive officer appoints persons to the staff positions  
15 authorized by the commission and staff compensation is fixed by the  
16 commission. The executive officer is the executive secretary of the  
17 student financial aid committee. Each employee of the commission shall  
18 elect membership either in the state teachers retirement system  
19 (AS 14.25), if qualified, or in the public employees retirement system  
20 (AS 39.35).

21 Sec. 14.40.915. COMPENSATION AND PER DIEM. Members of the commis-  
22 sion serve without compensation but are entitled to per diem and travel  
23 expenses as may be authorized by law for boards and commissions.

24 \* Sec. 2. AS 14.40.753(a) is repealed and re-enacted to read:

25 (a) There is created the student financial aid committee composed  
26 of the members of the Alaska Commission on Postsecondary Education. The  
27 commission may delegate its functions under secs. 751 - 806 of this  
28 chapter to a committee of its members, with augmented membership as the  
29 commission considers appropriate. The executive officer of the com-

1 mission is the executive secretary of the committee. The Alaska Com-  
2 mission on Postsecondary Education shall administer the program estab-  
3 lished by secs. 751 - 806 of this chapter.

4 \* Sec. 3. AS 14.40.763(i) is amended to read:

5 (1) If a loan is in default, the commission [DEPARTMENT OF  
6 EDUCATION] may notify the student that repayment of the remaining  
7 balance is accelerated and due by sending the student a notice by  
8 registered or certified mail.

9 \* Sec. 4. AS 14.40.806 is amended by adding a new paragraph to read:

10 (6) "commission" means the Alaska Commission on Postsecondary  
11 Education.

12 \* Sec. 5. AS 14.47.010 is amended to read:

13 Sec. 14.47.010. REQUIREMENTS FOR CONFERRING OF DIPLOMAS. No per-  
14 son may confer a diploma unless the person meets the requirements estab-  
15 lished by the commission [DEPARTMENT].

16 \* Sec. 6. AS 14.47.020 is amended to read:

17 Sec. 14.47.020. ESTABLISHMENT OF REQUIREMENTS. In establishing  
18 requirements for the conferring of diplomas the commission [DEPARTMENT]  
19 shall promulgate [ENACT] regulations taking into consideration

- 20 (1) course offerings;  
21 (2) facilities;  
22 (3) financial stability;  
23 (4) personnel;  
24 (5) operating practices; and  
25 (6) admission practices.

26 \* Sec. 7. AS 14.47.030 is amended to read:

27 Sec. 14.47.030. HEARING AND ORDER ON VIOLATIONS. (a) On the  
28 complaint of any person or on its own motion the commission [DEPARTMENT]  
29 may conduct an investigation to determine if the requirements of secs.

1 10 - 20 of this chapter are being met. If there are grounds for  
2 believing that a person is not meeting the requirements the commission  
3 [DEPARTMENT] may institute proceedings under AS 44.62.330 - 44.62.630.  
4 On a finding of a violation of sec. 20 of this chapter, the commission  
5 [DEPARTMENT] shall order the respondent to cease conferring diplomas  
6 until the requirements are met.

7 (b) If a respondent is the subject of an order under (a) of this  
8 section, the respondent may confer no diploma without the approval of the  
9 commission [DEPARTMENT] showing that the respondent has complied with  
10 the regulations promulgated [ENACTED] under sec. 20 of this chapter.

11 \* Sec. 8. AS 14.47.050 is amended to read:

12 Sec. 14.47.050. PENALTY. A person who violates an order of the  
13 commission [DEPARTMENT] issued under sec. 30(b) of this chapter is guilty  
14 of a misdemeanor, and upon conviction is punishable by imprisonment in a  
15 jail for not more than 30 days, or by a fine of not more than \$1,000, or  
16 by both. Each diploma conferred in violation of sec. 30(b) of this  
17 chapter is a separate violation.

18 \* Sec. 9. AS 14.47.060 is amended to read:

19 Sec. 14.47.060. DEFINITIONS. In secs. 10 - 50 of this chapter,

20 (1) "diploma" means a degree, certificate, transcript,  
21 document, or other writing in any language representing that a person  
22 has completed a course of study beyond high school or is honored for  
23 achievement, and includes but is not limited to a diploma purporting to  
24 be a degree of bachelor, master, doctor, or fellow in any field of  
25 knowledge or endeavor. Graduation from high school or its equivalent  
26 need not be nor purport to be a prerequisite for undertaking or com-  
27 pleting the course of study; [.]

28 (2) "commission" means the Alaska Commission on Postsecondary  
29 Education.

1 \* Sec. 10. AS 39.25.110 is amended by adding a new paragraph to read:  
2 (14) the executive officer of the Alaska Commission on  
3 Postsecondary Education.

4 \* Sec. 11. One public member appointed under AS 14.40.903(a)(4) shall be  
5 appointed for a one-year term, one for a two-year term, one for a three-year  
6 term and two for four-year terms.

7 \* Sec. 12. Except for AS 14.40.909(b)(3), this Act takes effect on the  
8 day after its passage and approval or on the day it becomes law without  
9 approval. AS 14.40.909(b)(3) takes effect July 1, 1973.

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