

Original sponsor: Rules Committee by request  
of the Legislative Council

Offered: 3/19/73  
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 180

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 Post-  
7 secondary Education; and providing for an effective  
8 date."

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

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

11 ARTICLE 11. ALASKA COMMISSION ON POSTSECONDARY EDUCATION.

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

1 and to the people of Alaska.

2 (b) The legislature affirms that the legal authority for the  
3 operation and management of the statewide university system remains  
4 with the Board of Regents of the University of Alaska and the legal  
5 authority for the operation and management of other postsecondary  
6 educational programs remains with the governing boards of the other  
7 private nonprofit and 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  
12 of 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) three persons broadly and equitably representative of  
19 the 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 (7) two members from the legislature, one of whom shall  
29 be designated by the Legislative Council and one by the Legislative

1 Budget and Audit Committee.

2 (b) All members are subject to confirmation and, except for  
3 the appointees from the legislature, serve at the pleasure of the  
4 governor. No governing body member, trustee, official or employee  
5 of either a public, private or proprietary institution of post-  
6 secondary or higher education in the state may be appointed to member-  
7 ship on the commission as representative of the general public for  
8 the purpose of (a)(4) of this section.

9 (c) All members except those from the legislature shall serve  
10 four-year staggered terms. Vacancies shall be filled in the same  
11 manner as original appointment.

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

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

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

1 vote for or on behalf of, or in any way exercise the vote of, another  
2 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  
5 institutions of public and private higher education in Alaska, to the  
6 governor, the legislature and to other appropriate state and federal  
7 officials:

8 (1) coordinate the development of comprehensive plans  
9 for the orderly, systematic growth of public and private postsecondary  
10 education, including community colleges and occupational education,  
11 in the state and submit recommendations on the need for, and location  
12 of, new facilities and 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  
15 as to the programs appropriate to each;

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

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

23 (5) submit to the governor and to the legislature within  
24 10 days after the beginning of each regular session of the legislature  
25 a report which recommends necessary or desirable changes, if any,  
26 in the functions and programs of the several segments of the total  
27 complex of 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 on  
2 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 im-  
7 provement of the community colleges under sec. 1001 of Title X of the  
8 Higher Education Act of 1965, as amended by the Education Amendments of  
9 1972 (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 1965  
14 (PL 89-329; 79 Stat. 1220, 1262; 20 U. S. C. 1005, 1123) as authorized  
15 by sec. 1202(c) of Title XII of the Higher Education Act of 1965, as  
16 amended by the Education Amendments of 1972 (PL 92-318, sec. 196; 86  
17 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 to

1 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  
5 on costs, selection and retention of students, enrollments, plant  
6 capacities and use and other matters pertinent to effective planning  
7 and coordination, and shall furnish information concerning these matters  
8 to the governor, to the legislature and to other state and federal  
9 agencies as 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 a  
12 member of the exempt service under AS 39.25.110, serves at the pleasure  
13 of the commission, and he receives compensation fixed by the commission.  
14 The executive officer appoints persons to the staff positions authorized  
15 by the commission and staff compensation is fixed by the commission. The  
16 executive officer is the executive secretary of the student financial aid  
17 committee. Each employee of the commission shall elect membership either  
18 in the state teachers' retirement system (AS 14.25), if qualified, or in  
19 the public employees' retirement system (AS 39.35).

20 Sec. 14.40.915. COMPENSATION AND PER DIEM. Members of the  
21 commission serve without compensation but are entitled to per  
22 diem and travel expenses as may be authorized by law for boards and  
23 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(1) 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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