

1 to the legislature 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 sytem remains with
4 the Board of Regents of the University of Alaska and the legal authority
5 for the operation and management of other postsecondary educational
6 programs remains with the governing boards of the other private non-
7 profit and proprietary institutions in the state.

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

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

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

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

18 Sec. 14.40.905. OFFICERS. The chairman and vice-chairman shall
19 be elected from among the members of the commission for a one-year term
20 and no member of the commission may serve as chairman for more than
21 two 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
25 at other times and places as the chairman, or a majority of the members
26 of the commission, consider necessary. A quorum is a majority of the
27 members of the commission. The votes of the commission members shall
28 be 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
2 of, or in any way exercise the vote of, another member of the commis-
3 sion.

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

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

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

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

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

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

29 (b) The commission shall

1 (1) develop a comprehensive statewide plan for coordinated
2 postsecondary education in the state and serve as the state commission
3 on postsecondary education required under sec. 1202 of Title XII of
4 the Higher Education Act of 1965, as amended by the Education Amend-
5 ments of 1972 (PL 92-318, sec. 196; 86 Stat. 324);

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

11 (3) serve as the state agency required under secs. 105 of
12 Title I (Community Service and Continuing Education), 603 of Title VI
13 (Financial Assistance for Undergraduate Education) and 704 of Title
14 VII (Construction of Academic Facilities) of the Higher Education Act
15 of 1965 (PL 89-329; 79 Stat. 1220, 1262; 20 U.S.C. 1005, 1123) as
16 authorized by sec. 1202(c) of Title XII of the Higher Education Act of
17 1965, as amended by the Education Amendments of 1972 (PL 92-318, sec.
18 196; 86 Stat. 324);

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

22 (5) administer the provisions of AS 14.47 (regulation of
23 educational institutions);

24 (6) resolve any disputes that exist or arise under a
25 consortium or other cooperative agreement between institutions of
26 public and private higher education in the state.

27 (c) The commission may establish task forces, committees or sub-
28 committees, not necessarily consisting of commission members, to advise
29 and assist the commission in carrying out its functions assigned by

1 state or federal statute. The commission may contract with, or use,
2 existing institutions of higher education or other individuals or
3 organizations to make studies, conduct surveys, submit recommendations
4 or otherwise contribute to the work of the commission. The commission
5 may appoint a committee to be responsible for the area of student
6 financial aid.

7 Sec. 14.40.911. COLLECTION OF DATA. The commission may require
8 the institutions of public and private higher education, and other
9 institutions of postsecondary education, in the state to submit data
10 on costs, selection and retention of students, enrollments, plant
11 capacities and use and other matters pertinent to effective planning
12 and coordination, and shall furnish information concerning these
13 matters to the governor, to the legislature and to other state and
14 federal agencies as requested by them.

15 Sec. 14.40.913. EXECUTIVE OFFICER AND STAFF; ADMINISTRATION.

16 (a) The commission may appoint an executive officer. The executive
17 officer is a member of the exempt service under AS 39.25.110, serves
18 at the pleasure of the commission, and he receives compensation fixed
19 by the commission. The executive officer appoints persons to the
20 staff positions authorized by the commission, and staff compensation
21 is fixed by the commission. The executive officer is the executive
22 secretary of the student financial aid committee. Each employee of
23 the commission shall elect membership either in the state teachers'
24 retirement system (AS 14.25), if qualified, or in the public employees'
25 retirement system (AS 39.35).

26 (b) The Alaska Commission on Postsecondary Education is not a
27 division in the Department of Education. The commission, its members,
28 executive officer and staff are in the Department of Education for
29 administrative support services only, and they are not subject to the

1 direction of the commissioner of education or the state Board of
2 Education.

3 Sec. 14.40.915. COMPENSATION AND PER DIEM. Members of the
4 commission serve without compensation but are entitled to per diem
5 and travel expenses as may be authorized by law for boards and com-
6 missions.

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

8 (a) There is created the student financial aid committee composed
9 of the members of the Alaska Commission on Postsecondary Education. The
10 commission may delegate its functions under secs. 751 - 806 of this
11 chapter to a committee of its members, with augmented membership as the
12 commission considers appropriate. The executive officer of the com-
13 mission is the executive secretary of the committee. The Alaska Com-
14 mission on Postsecondary Education shall administer the program estab-
15 lished by secs. 751 - 806 of this chapter.

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

17 (i) If a loan is in default, the commission [DEPARTMENT OF
18 EDUCATION] may notify the student that repayment of the remaining
19 balance is accelerated and due by sending the student a notice by
20 registered or certified mail.

21 * Sec. 4. AS 14.40.801(c) is amended to read:

22 (c) Private universities and colleges in which students receiving
23 tuition grants are enrolled and which are signatory to a consortium
24 agreement with the University of Alaska must abide by a decision
25 rendered by the commission [LEGISLATIVE COUNCIL] when disagreements
26 arise or exist between the parties.

27 * Sec. 5. AS 14.40.806 is amended by adding a new paragraph to read:

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

1 * Sec. 6. AS 14.47.010 is amended to read:

2 Sec. 14.47.010. REQUIREMENTS FOR CONFERRING OF DIPLOMAS. No
3 person may confer a diploma unless the person meets the requirements
4 established by the commission [DEPARTMENT].

5 * Sec. 7. AS 14.47.020 is amended to read:

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

- 9 (1) course offerings;
10 (2) facilities;
11 (3) financial stability;
12 (4) personnel;
13 (5) operating practices, and
14 (6) admission practices.

15 * Sec. 8. AS 14.47.030 is amended to read:

16 Sec. 14.47.030. HEARING AND ORDER ON VIOLATIONS. (a) On the
17 complaint of any person or on its own motion the commission [DEPARTMENT]
18 may conduct an investigation to determine if the requirements of secs.
19 10 - 20 of this chapter are being met. If there are grounds for
20 believing that a person is not meeting the requirements the commission
21 [DEPARTMENT] may institute proceedings under AS 44.62.330 - 44.62.630.
22 On a finding of a violation of sec. 20 of this chapter, the commission
23 [DEPARTMENT] shall order the respondent to cease conferring diplomas
24 until the requirements are met.

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

1 * Sec. 9. AS 14.47.050 is amended to read:

2 Sec. 14.47.050. PENALTY. A person who violates an order of the
3 commission [DEPARTMENT] issued under sec. 30(b) of this chapter is
4 guilty of a misdemeanor, and upon conviction is punishable by imprison-
5 ment in a jail for not more than 30 days, or by a fine of not more
6 than \$1,000, or by both. Each diploma conferred in violation of sec.
7 30(b) of this chapter is a separate violation.

8 * Sec. 10. AS 14.47.060 is amended by adding a new paragraph to read:

9 (1) "commission" means the Alaska Commission on Postsecondary
10 Education;

11 * Sec. 11. AS 14.47.100 is amended to read:

12 Sec. 14.47.100. USE OF NAMES PROHIBITED. No person, persons,
13 school, institution, organization or association offering a course of
14 instruction in any field of study, vocation, or skill may designate the
15 person, persons, school, institution, organization or association a
16 college, university, junior college or community college without the
17 approval of the commission [COMMISSIONER].

18 * Sec. 12. AS 14.47.110 is amended to read:

19 Sec. 14.47.110. REGULATIONS. The commission [COMMISSIONER] shall
20 promulgate [RULES AND] regulations establishing standards for the use
21 of the designations listed in sec. 100 of this chapter.

22 * Sec. 13. AS 14.47.120 is amended to read:

23 Sec. 14.47.120. HEARING AND ORDER ON VIOLATIONS. On complaint
24 of any person or on its own motion the commission [DEPARTMENT] may
25 conduct an investigation to determine if there has been a violation of
26 sec. 100 of this chapter, or a regulation promulgated under this chap-
27 ter. If there are grounds for believing that there is a violation,
28 the Alaska Commission on Postsecondary Education [DEPARTMENT OF EDUCA-
29 TION] may institute proceedings under AS 44.62.330 - 44.62.630.

1 On a finding of a violation the commission [DEPARTMENT OF EDUCATION]
2 shall order the respondent to cease using the prohibited designation.

3 * Sec. 14. AS 14.47.140 is amended to read:

4 Sec. 14.47.140. PENALTY. A person who violates an order of the
5 Alaska Commission on Postsecondary Education [DEPARTMENT OF EDUCATION]
6 issued under sec. 120 of this chapter is guilty of a misdemeanor, and
7 upon conviction is punishable by imprisonment in a jail for not more
8 than 30 days, or by a fine of not more than \$1,000, or by both.

9 * Sec. 15. AS 39.25.110 is amended by adding a new paragraph to read:

10 (14) the executive officer of the Alaska Commission on
11 Postsecondary Education.

12 * Sec. 16. One public member appointed under AS 14.40.903(a)(4) shall
13 be appointed for a one-year term, one for a two-year term, one for a three-
14 year term and two for four-year terms.

15 * Sec. 17. This Act takes effect July 1, 1974.
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