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Referred: Health, Education and Social
Services and Finance

1 IN THE SENATE

BY CROFT

2 SS SENATE BILL NO. 658

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Alaska Community Colleges; and
7 providing for an effective date."

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

9 * Section 1. AS 14 is amended by adding a new chapter to read:

10 CHAPTER 41. ALASKA COMMUNITY COLLEGES.

11 ARTICLE 1. DECLARATION OF POLICY AND PURPOSE.

12 Sec. 14.41.010. PURPOSE. (a) It is the purpose of this chapter
13 to establish a system of comprehensive community colleges, extension
14 centers and outreach programs which are an integral part of a statewide
15 system consisting of degree and nondegree programs of postsecondary
16 and continuing education established by the Board of Governors of the
17 Alaska Community Colleges either independently or in cooperation with
18 the governing bodies of school districts or municipalities in the state,
19 with an agency of the federal government, or with a nonprofit corpora-
20 tion or association to expand the opportunity for obtaining a post-
21 secondary education throughout the state beyond the confines of an
22 established college or university campus at minimal cost to the student.

23 Sec. 14.41.020. THE COMPREHENSIVE COMMUNITY COLLEGE. The compre-
24 hensive community college includes flexible, versatile programs of post-
25 secondary instruction, counseling and advising, job placement and other
26 activities designed to meet the needs of the area it serves, including
27 but not limited to:

28 (1) courses and curricula that lead to associate degrees,
29 or that enable the student to transfer to a four-year institution of

1 higher education in pursuit of a baccalaureate degree;

2 (2) occupational education including vocational-technical
3 programs and cooperative education in conjunction with employment in
4 business and industry that enable the student to develop technical skills
5 in a chosen trade or occupation and lead either to a degree or a certi-
6 ficate of completion;

7 (3) general education and public interest courses designed
8 to meet the needs of a community, to enable a person to expand his know-
9 ledge, improve the quality of his life, or acquire, change or update a
10 skill that a person lacks or that has become obsolete; and

11 (4) combinations of (1) - (3) of this subsection.

12 Sec. 14.41.030. OUTREACH PROGRAMS IN RURAL ALASKA. The Alaska
13 Community Colleges shall develop an educational delivery system the
14 principal objective of which is the outreach of the community colleges
15 into rural Alaska. The Alaska Community Colleges shall administer and
16 conduct postsecondary educational programs, including but not limited
17 to off-campus study and credit and noncredit courses that may or may
18 not lead to associate, baccalaureate or advanced degrees.

19 ARTICLE 2. GOVERNANCE.

20 Sec. 14.41.040. CORPORATION ESTABLISHED; GENERAL POWERS. There
21 is established a state corporation to be called the Alaska Community
22 Colleges. It may in that name

23 (1) sue and be sued;

24 (2) receive, hold and manage real and personal property;

25 (3) contract and be contracted with;

26 (4) adopt, use and alter a corporate seal;

27 (5) adopt bylaws and administrative rules for the management
28 and operation of the community colleges, extension centers and outreach
29 programs;

1 (6) accept grants or loans from and contract with the federal
2 government, the state, or its political subdivisions, and to that end
3 comply with the provisions of federal, state, or local programs when
4 necessary;

5 (7) do and have done all matters necessary for the purpose
6 of any function set out in this chapter.

7 Sec. 14.41.050. BOARD OF GOVERNORS. (a) The Alaska Community
8 Colleges shall be governed by a board of governors consisting of nine
9 members appointed by the governor, subject to confirmation by a majority
10 of the members of the legislature in joint session. One of the members
11 of the board shall be a member of the faculty and one shall be a member
12 of the student body of the Alaska Community Colleges. These two board
13 members shall be appointed by the governor in accordance with sec. 60
14 of this chapter.

15 (b) Board members shall be citizens of the United States and
16 residents of the State of Alaska for one year before appointment and
17 during the board member's term of office.

18 (c) One board member each shall be residents of Southeastern
19 Alaska, Western Alaska and Northern Alaska, respectively; two board
20 members shall be residents of Southcentral Alaska. However, this pro-
21 vision for the geographical distribution of board membership does not
22 apply to the appointment of faculty and student board members.

23 Sec. 14.41.060. FACULTY, STUDENT BOARD MEMBERS. (a) The faculty
24 board member shall be appointed by the governor from among a list of
25 nominees submitted to him comprised of the names of at least three but
26 not more than five full-time community college, extension center or
27 outreach program faculty members. These faculty members shall be nomi-
28 nated from among the full-time faculty members of the community
29 colleges, extension centers and outreach programs in the manner pre-

1 scribed by the board by regulation. A full-time faculty member is one
2 who is teaching at least 9 credit hours a semester and who has taught in
3 the Alaska Community Colleges for at least two academic years. Failure
4 of the faculty board member to maintain full-time faculty status during
5 his term of office results in forfeiture of that office. Forfeiture
6 occurs on certification of the principal campus administrative officer
7 at the community college where the faculty member is or has been teach-
8 ing that the faculty member is no longer employed full-time.

9 (b) The student member of the board shall be appointed from a
10 list of nominees consisting of the names of two students from each cam-
11 pus of the Alaska Community Colleges, and one from each extension center
12 or outreach program, after an election is held at each campus, center
13 or program site. The elections shall be conducted under rules estab-
14 lished by the Governor's Commission on the Involvement of Young People
15 in Government (AS 44.19.777 - 44.19.787). In addition to satisfying
16 the requirements of sec. 50(b) of this chapter, the student board mem-
17 ber appointed under this section must

18 (1) have attended one of the Alaska Community Colleges, an
19 extension center or outreach program as a full-time student for at
20 least one academic year before appointment; and

21 (2) be enrolled as a full-time student at one of the Alaska
22 Community Colleges, extension centers or outreach programs at the time
23 of appointment.

24 (c) Failure of the student board member appointed under (b) of
25 this section to remain enrolled as a full-time student at one of the
26 Alaska Community Colleges, extension centers or outreach programs dur-
27 ing his term results in forfeiture of that office. The forfeiture
28 occurs upon certification by the registrar that the student board
29 member is no longer a full-time student. The governor shall appoint a

1 successor from among the list of nominees submitted to him under (b) of
2 this section at the time of original appointment.

3 Sec. 14.41.070. TERM OF OFFICE; VACANCIES. (a) Except for the
4 faculty and student board members, members of the board of governors
5 serve for seven-year terms. The terms of the initial appointees shall
6 be staggered in such a manner that the term of office of one board
7 member expires each year for seven years.

8 (b) The term of office of the faculty board member is two years
9 and of the student board member, one year.

10 (c) Vacancies shall be filled in the same manner as original
11 appointment.

12 Sec. 14.41.080. OFFICERS OF THE BOARD. The chairman, vice chair-
13 man and those other officers the board considers necessary shall be
14 elected from among the members of the board for a one-year term. No
15 member of the board may serve as chairman for more than two consecutive
16 one-year terms.

17 Sec. 14.41.090. RULES, VOTES REQUIRED. The board shall prescribe
18 its own rules of procedure. A quorum is a majority of the members of
19 the board. The votes of the board members shall be recorded, and
20 effective action requires the affirmative vote of a majority of the
21 board members. No board member may, with respect to a matter before
22 the board, vote for or on behalf of, or in any way exercise the vote of,
23 another member of the board.

24 Sec. 14.41.100. MEETINGS. (a) The board shall meet at least
25 once quarterly at a time and place determined by the chairman, and at
26 other times and places as the chairman or a majority of the members of
27 the board, consider necessary. However, 30 days notice is required for
28 all regular meetings and 10 days notice is required for special meet-
29 ings of the board, its committees or subcommittees called under the

1 bylaws or rules of procedure of the board. Emergency meetings may be
2 called without notice.

3 (b) Insofar as possible, board meetings shall be held at commun-
4 ity college campuses, in rotation, so that the board meets at each
5 community college at least once in three years. The board shall provide
6 adequate facilities for members of the public to attend the meetings of
7 the board, its committees or subcommittees.

8 (c) The provisions of AS 44.62.310 apply to meetings of the board.
9 All meetings of the board, its committees or subcommittees, are open to
10 the public and press except as otherwise provided in AS 44.62.310(c).
11 The findings of an executive session shall be made a part of the record
12 of the proceedings of the board. All records of the meetings and pro-
13 ceedings shall be open to inspection by the public and the press at
14 reasonable times.

15 Sec. 14.41.110. COMPENSATION AND PER DIEM. Members of the board
16 serve without compensation but are entitled to per diem and travel ex-
17 penses as may be authorized by law for boards and commissions.

18 Sec. 14.41.120. DUTIES AND POWERS OF THE BOARD. (a) The board
19 shall

20 (1) appoint the chancellor of the Alaska Community Colleges
21 by a majority vote of all members of the board;

22 (2) fix the compensation of the chancellor, faculty and other
23 officers and employees of the colleges;

24 (3) confer degrees appropriate to the community colleges that
25 the board may determine and prescribe;

26 (4) have the care, control and management of all the real
27 and personal property and all funds of the colleges; and, keep or have
28 kept a complete, accurate record of all funds received and disbursed;

29 (5) keep or have kept a correct and easily understood record

1 of the minutes of every meeting and all acts done by the board in the
2 pursuit of its duties;

3 (6) establish the policies within which the principal campus
4 administrative officers of the community colleges, the associated ex-
5 tension centers or outreach programs, and the community college councils
6 manage and control the operations of each community college, extension
7 center or outreach program;

8 (7) meet regularly with the community college councils to
9 determine the needs of each college, center or program.

10 (b) The board may

11 (1) adopt reasonable rules, orders and plans, with reasonable
12 penalties, for the good government of the colleges and for the regula-
13 tion of the board;

14 (2) determine and regulate the course of instruction in the
15 colleges with the advice of the chancellor, the principal campus admin-
16 istrative officers, and the community college councils at each college,
17 center or program.

18 Sec. 14.41.130. REMOVAL POWER. The board may remove from office
19 any officer or employee of the colleges by a majority vote of all of
20 the members of the board when in its judgment the good of the Alaska
21 Community Colleges requires it.

22 ARTICLE 3. ADMINISTRATION.

23 Sec. 14.41.140. CHANCELLOR. (a) The chief executive officer of
24 the board of governors and of the Alaska Community Colleges is the
25 chancellor. His primary responsibility is the administration of the
26 community colleges, extension centers and outreach programs statewide,
27 working with the principal administrative officers for each community
28 college, extension center or outreach program.

29 (b) In addition to his responsibility for the administration of

1 on-campus programs for the community colleges and extension centers, the
2 chancellor shall develop and administer off-campus educational delivery
3 systems and outreach programs for rural areas of the state.

4 Sec. 14.41.150. DUTIES AND POWERS OF THE CHANCELLOR. (a) The
5 chancellor shall

6 (1) appoint the principal administrative officer for each
7 community college, extension center on recommendation of the community
8 college council for each, subject to the approval of the board;

9 (2) define the duties and supervise the performance of those
10 duties of the persons he appoints to positions established by the board;

11 (3) give general direction to the work of the colleges,
12 centers and programs in accordance with the policies established by the
13 board;

14 (4) in concert with the principal administrative officers,
15 coordinate the community colleges, extension centers and outreach pro-
16 grams and other activities of the Alaska Community Colleges.

17 (b) The chancellor may appoint the faculty and other officers
18 and employees of each community college, extension center or outreach
19 program, on recommendation of the principal administrative officer of
20 each; however, with the approval of the board, the chancellor may
21 delegate the authority to appoint faculty, officers and employees to
22 the principal administrative officer of each college, center or program.

23 Sec. 14.41.160. SUSPENSION, EXPULSION OF STUDENTS. The authority
24 to suspend and expel a student for misconduct or other cause or to re-
25 instate him is vested solely in the chancellor; however, the chancellor
26 may delegate this authority to the principal campus administrative offi-
27 cer of each community college.

28 Sec. 14.41.170. CAMPUS ADMINISTRATION. (a) The principal admin-
29 istrative officer for each community college is a dean or director. He

1 is responsible directly to the chancellor and to the community college
2 council for the administration of the college. Subject to the approval
3 of the board, the dean or director shall be appointed by the chancellor,
4 on recommendation of the council for the college which the dean or
5 director will administer.

6 (b) Each extension center or outreach program, whether estab-
7 lished, operated or maintained by the board, or in cooperation with the
8 Board of Regents of the University of Alaska, or a school district,
9 municipality, an agency of the federal government or a nonprofit cor-
10 poration or association is under the direction of an administrator
11 appointed by the chancellor in the manner prescribed by the board by
12 regulation, or as prescribed in the cooperative agreement.

13 Sec. 14.41.180. CENTRAL, REGIONAL SERVICE ORGANIZATIONS. The
14 board may establish statewide or central service organizations for the
15 community colleges, extension centers and outreach programs. Regional
16 service centers also may be established to administer the outreach
17 programs and to provide postsecondary educational services to the resi-
18 dents of the rural areas of the state in each service area for which a
19 regional center is established. In a service area where a community
20 college or an extension center is located, the regional service center
21 shall be integrated with the operation of the community college or
22 extension center.

23 Sec. 14.41.190. FACULTY; COURSE OF INSTRUCTION. (a) Full-time
24 members of the faculty and administrative staff of each community
25 college, extension center and outreach program are members of the fac-
26 ulty and administrative staff, respectively, of the Alaska Community
27 Colleges for all purposes.

28 (b) The chancellor is responsible for prescribing the qualifi-
29 cations, and for establishing the procedure for appointment, of all

1 community college and extension center faculty and administrative staff,
2 whether part or full-time.

3 (c) A community college, extension center or outreach program is
4 concerned with the total educational needs of the area it serves and
5 may coordinate and facilitate all public postsecondary and continuing
6 education in the area. Selected upper division and graduate courses
7 offered by the University of Alaska through its various divisions may
8 be coordinated through the principal administrative officer of a
9 community college, extension center, or an outreach program.

10 Sec. 14.41.200. COMMUNITY COLLEGE COUNCIL. (a) A community
11 college council, the majority of whose members shall be persons served
12 by the programs developed and administered under this chapter, shall be
13 established for each community college. The council shall consist of
14 not less than seven nor more than 15 members who shall be broadly
15 representative of the area served, including faculty and student repre-
16 sentation. A council may be appointed for an extension center and
17 for each regional service center, when the center is not integrated
18 with a community college or extension center, at the discretion of the
19 board.

20 (b) The board, by regulation, shall prescribe the method of
21 selection of members of community college councils, prescribe the term
22 of office, procedure for removal and for the filling of vacancies on
23 the councils. Each community college council shall adopt bylaws which
24 shall provide for the election of officers, establishment of meeting
25 schedules and meeting notices, rules of procedure and quorums.

26 (c) Members of a council receive no compensation for their ser-
27 vices, but they may be reimbursed for the expenses incurred in the
28 performance of their duties in the manner prescribed by the board by
29 regulation.

1 (d) The provisions of sec. 100(c) of this chapter and AS 44.62.310
2 apply to meetings of community college councils in the same manner and to
3 the same extent applicable to meetings of the board of governors, its
4 committees and subcommittees.

5 (e) A community college council acts in a policy-making capacity
6 with respect to the principal administrative officer of each community
7 college, coordinator of an extension center or administrator of an out-
8 reach program. It acts in an advisory capacity to the chancellor and to
9 the board of governors.

10 (f) The community college council serves as a communications
11 link between the area served by the community college, extension center
12 or outreach program and the Alaska Community Colleges. Requests and
13 recommendations by a community college council shall be answered in
14 writing by the addressee.

15 (g) A community college council shall review and make recommenda-
16 tions

17 (1) concerning the selection of the principal administrative
18 officer of the community college, extension center or outreach program;

19 (2) concerning the proposed program budget for the community
20 college, extension center or outreach program for each fiscal year
21 before it is submitted to the statewide administration and to the board
22 of governors; and

23 (3) relating to the general operation and management of the
24 community college, extension center or outreach program, including but
25 not limited to:

26 (A) planning for, and review of, the types and uses of
27 instructional programs and activities and types and uses of facili-
28 ties that the community college, extension center or outreach
29 program should provide to meet area needs;

1 (B) the level of staffing and funding for these pro-
2 grams, activities or facilities; and

3 (C) the means of gaining support for the college's pro-
4 gram in that area.

5 ARTICLE 4. ESTABLISHMENT OF COMMUNITY COLLEGES.

6 Sec. 14.41.210. ESTABLISHMENT. (a) Since postsecondary and con-
7 tinuing education is a statewide responsibility, the colleges, as the
8 need arises, may either independently establish, operate and maintain, or
9 enter into a cooperative agreement with an agency of the federal govern-
10 ment, a school district, a municipality or a nonprofit corporation or
11 association for the establishment, operation and maintenance of, appro-
12 priate public postsecondary and continuing educational programs and
13 activities in community colleges, extension centers or by other means.

14 (b) A community college or an extension center may be established
15 by the board of governors only in accordance with the minimum criteria
16 established by secs. 220 - 230 of this chapter, as supplemented by the
17 board by regulation.

18 (c) The establishment of a community college or an extension center
19 may be proposed by

20 (1) the governing body of a municipality, or a school dis-
21 trict;

22 (2) an agency of the federal government;

23 (3) petition of interested citizens in the community or area
24 to be served; a nonprofit corporation or association;

25 (4) the Alaska Commission on Postsecondary Education or the
26 state advisory council on community colleges created under AS 14.40.-
27 901 - 14.40.915;

28 (5) the legislature by concurrent resolution; or

29 (6) the board.

1 Sec. 14.41.220. FEASIBILITY STUDY. (a) A new community college
2 or a new extension center may not be established until a feasibility
3 study as to the need for its establishment in the community or area to
4 be served has been completed either as directed by the board, or by a
5 proponent under sec. 210(c) of this chapter, and approved by the board.
6 The feasibility study shall be submitted to the respective finance and
7 education policy committees of each house of the legislature and to
8 the Alaska Commission on Postsecondary Education.

9 (b) The feasibility study required in (a) of this section shall
10 include but is not limited to:

11 (1) an analysis of the population and educational needs of
12 the municipality, school district or service area in which the proposed
13 community college is to be located;

14 (2) a description of the boundary of the service area for
15 the proposed community college;

16 (3) estimated and projected enrollment;

17 (4) proposed core faculty and administrative staffing;

18 (5) a proposed budget for the initial fiscal year of opera-
19 tion together with a statement of sources of financial support required
20 for core faculty and administrative staff, curriculum and other pro-
21 grams and activities, and physical facilities;

22 (6) a plan for citizen involvement through a community
23 college council established under sec. 200 of this chapter; and

24 (7) a proposed agreement with the school district, munici-
25 pality or federal agency or a nonprofit corporation or association
26 under sec. 240 of this chapter.

27 Sec. 14,41.230. EXTENSION CENTERS. If in any community where a
28 community college has been proposed, the level of demand for postsecond-
29 ary and continuing education as determined by the feasibility study

1 required under sec. 220(a) of this chapter is more limited than that
2 required for the establishment of a comprehensive community college pro-
3 gram, the board may establish an extension center or an outreach program
4 either independently or in cooperation with the University of Alaska, a
5 school district, a municipality, a nonprofit corporation or association,
6 or an agency of the federal government.

7 Sec. 14.41.240. RELATIONSHIP WITH SCHOOL DISTRICT, MUNICIPALITY,
8 FEDERAL AGENCY. (a) A school district, municipality, federal agency or
9 nonprofit corporation or association may make an agreement with the
10 Alaska Community Colleges for the establishment, operation and mainte-
11 nance of a community college, an extension center or off-campus instruc-
12 tion through an outreach program. The agreement shall include, but is
13 not limited to:

14 (1) recognition that complete operational authority resides
15 with the colleges, subject to periodic reviews by the cooperating school
16 district, municipality, federal agency or nonprofit corporation or
17 association and appropriate reports to ensure program articulation and
18 effective cross-utilization of facilities;

19 (2) provision for cooperative planning of program and facili-
20 ties needs and for cross-utilization of facilities;

21 (3) provision that local funding, in addition to student fees
22 or in-kind contributions, may be provided for support of those general
23 education courses, described in sec. 20(3) of this chapter, or secondary
24 school-related courses as the school district, municipality, federal
25 agency or nonprofit corporation or association considers appropriate;
26 and

27 (4) provision for periodic review of the agreement.

28 (b) If separate facilities are financed, constructed or maintained
29 from federal, state or private funds for programs and activities of the

1 community college, extension center or outreach program, then the board
2 has title to and control of the separate facilities used for these pur-
3 poses. If separate facilities are financed, constructed or maintained
4 from school district, municipality or nonprofit corporation or associa-
5 tion funds for community college or extension center or outreach programs
6 and activities, the school district, municipality or nonprofit corpora-
7 tion or association has title to and control of the separate facilities
8 used for these purposes.

9 Sec. 14.41.250. EXPANSION OF COURSES. (a) To expand educational
10 and cultural opportunities in the state, to keep pace with the expansion
11 of knowledge and with the growth of the state in all fields of endeavor,
12 and to provide educational services and facilities of particular inter-
13 est to residents of the state, the board shall

14 (1) make a continuing study of the feasibility of expanding
15 the system of community colleges, extension centers and outreach pro-
16 grams in accordance with the criteria set out in sec. 220(b) of this
17 chapter;

18 (2) establish additional extension courses, outreach pro-
19 grams and other accredited courses for students it considers advisable
20 in accordance with the procedures set out in secs. 210 - 230 of this
21 chapter;

22 (3) take all appropriate measures to implement this section.

23 (b) Laws of the state designed to meet requirements of the federal
24 government for the state's acceptance of federal grants and allotments
25 for educational and like purposes are extended to cover the establish-
26 ment and operation of the community college expansion program set forth
27 in (a) of this section.

28 ARTICLE 5. FINANCE; FISCAL AND PROPERTY MANAGEMENT.

29 Sec. 14.41.260. FINANCE. (a) The state is basically responsible

1 for the funding for all community college, extension center or outreach
2 programs and activities. However, nothing in this chapter prohibits a
3 school district, municipality, federal agency or nonprofit corporation or
4 association from providing funds for additional courses and programs
5 which may be considered appropriate under sec. 240(a)(3) of this chapter.

6 (b) The colleges shall prepare a complete program budget for each
7 community college, extension center and outreach program including all
8 courses, programs and activities regardless of the source of funding,
9 including but not limited to funds from fees, grants, contracts, agree-
10 ments, bequests, gifts, trusts, or endowments.

11 (c) All funds received for community college, extension center or
12 outreach program operations shall be administered in the manner pre-
13 scribed by the board by regulation.

14 Sec. 14.41.270. PROPERTY AND FUNDS GENERALLY. (a) Except as
15 otherwise provided in this chapter, the Alaska Community Colleges shall
16 hold and manage all property acquired by it. The Department of Admin-
17 istration, upon requisitions by the board of governors, signed by its
18 chairman and secretary, shall pay to the treasurer of the board all
19 federal land grant college funds coming into the possession of the
20 Department of Administration and subject to requisition by the board.
21 The department shall disburse federal funds in aid of land grant
22 colleges in accordance with federal law and regulations providing for
23 disbursement of those funds.

24 (b) All funds appropriated by the legislature for the establish-
25 ment, construction, operation, maintenance and support of the Alaska
26 Community Colleges shall, on requisition by the board, signed by its
27 chairman and secretary, be paid by the Department of Administration to
28 the treasurer of the board. The treasurer of the board shall disburse
29 these funds on properly drawn vouchers signed by its chairman and

1 secretary, or by the administrative officer of the colleges to whom the
2 board delegates the performances of this function.

3 Sec. 14.41.280. BOARD OF GOVERNORS TO ACT AS TRUSTEE. (a) The
4 board of governors may receive, manage, and invest money or other real,
5 personal or mixed property in any manner received from sources other
6 than the state legislature or federal appropriation for the purpose of
7 the colleges, its improvement or adornment, or the aid or advantage of
8 students or faculty, and, in general, may act as trustee on behalf of
9 the colleges for any of these purposes. However, the board shall make
10 a written report to the legislature, in accordance with sec. 360 of this
11 chapter, as to the administration and disposition of funds received
12 under this section.

13 (b) The board shall keep or have kept suitable books of account
14 in which there shall be recorded each gift, the essential facts of the
15 management of the gift, and the expenditure of income. A statement of
16 all trust funds shall be included in the annual report to the governor
17 and to the legislature under sec. 360 of this chapter.

18 Sec. 14.41.290. ENDOWMENTS AND DONATIONS. All monetary gifts,
19 bequests or endowments which are made to the colleges for the purpose of
20 the separate trust fund created under AS 14.40.400, to the extent the
21 Alaska Community Colleges is the successor to the University of Alaska,
22 shall be transferred to the Department of Revenue. The Department of
23 Revenue shall manage that money in accordance with AS 14.40.400. Title
24 to and control or possession of land, personal property, and all money
25 other than that transferred to the Department of Revenue, which is
26 devised, bequeathed or given to the colleges shall be taken by the
27 colleges in its corporate capacity acting by and through the board of
28 governors, or its authorized agent, and shall be entered in the per-
29 petual inventory of the university.

1 Sec. 14.41.300. INVENTORY OF PROPERTY. The board shall maintain
2 or cause to be maintained a perpetual inventory of all permanent proper-
3 ty of the colleges.

4 Sec. 14.41.310. APPLICABILITY OF FISCAL PROCEDURES ACT. The com-
5 petitive bid practices set forth in AS 37.05.230 apply to the Alaska
6 Community Colleges, except that the provisions of that act do not apply
7 in those cases where the work is to be performed substantially by
8 students enrolled in the colleges. Where the term "purchasing agent" is
9 used in AS 37.05, it means the administrative officer of the colleges
10 so designated either by the board or the chancellor.

11 Sec. 14.41.320. WORKING CAPITAL RESERVE FUND. (a) There is
12 established in the treasury of the Alaska Community Colleges a working
13 capital reserve fund. The fund consists of money appropriated by the
14 legislature for the purpose of providing current working capital for the
15 Alaska Community Colleges and is not available for appropriation by the
16 board of governors.

17 (b) A quarterly report of all activity of the working capital re-
18 serve fund shall be submitted to the Legislative Budget and Audit Com-
19 mittee.

20 Sec. 14.41.330. APPLICABILITY OF CERTAIN FEDERAL LAWS. To the
21 extent the Alaska Community College is considered a successor to the
22 University of Alaska as a land grant college, or for any other purposes,
23 and thus a beneficiary of federal grants of land or money under AS 14.-
24 40.350 - 14.40.450, insofar as the operation, management and control of
25 the community colleges, extension centers and outreach programs are
26 concerned, the provisions of AS 14.40.350 - 14.40.450 apply to the
27 Alaska Community Colleges in the same manner they apply to the Univer-
28 sity of Alaska.

29 ARTICLE 6. GENERAL PROVISIONS.

1 Sec. 14.41.340. DISCRIMINATION, RELIGIOUS, PARTISAN INSTRUCTION
2 OR TESTS PROHIBITED. (a) No person may be deprived of the privileges
3 or services of the colleges because of age, sex, color or nationality.

4 (b) No instruction either sectarian in religion or partisan in
5 politics may be given in any department of the colleges and no sectarian
6 or partisan test may be employed or applied in the appointment of board
7 or council members, faculty, or other officers or employees of the
8 colleges, or in the admission of students or for any purposes.

9 Sec. 14.41.350. JOINT USE OF FACILITIES REQUIRED. (a) Where the
10 campuses of the Alaska Community Colleges and the University of Alaska
11 are located in the same community or municipality either contiguous,
12 adjacent or reasonably close to one another, or where before the effec-
13 tive date of this chapter, the community colleges as a part of the
14 University of Alaska shared and jointly used the same buildings and
15 other facilities as other colleges, departments, divisions, institutes,
16 or other units of the University of Alaska, the shared or joint use of
17 these facilities shall be continued after the effective date of this
18 chapter. The Board of Governors of the Alaska Community Colleges and
19 the Board of Regents of the University of Alaska shall enter into a
20 contract, consortium or other cooperative agreement for the continued
21 sharing or joint use of these buildings or facilities, including the
22 cost of their construction, operation and maintenance. Where new
23 buildings or facilities are required by either the colleges or the
24 university, and the same contiguous, adjacent or proximal physical
25 location of the campuses of the two institutions exists or would come
26 into existence by virtue of the location and construction of these
27 buildings or facilities, the two boards shall enter into a contract,
28 consortium or other cooperative agreement for the sharing or joint use
29 of these buildings or facilities, including the cost of their construc-

1 tion, operation and maintenance.

2 (b) For purposes of (a) of this section, "buildings or facilities"
3 includes, but is not limited to, libraries, gymnasiums, or other athle-
4 tic facilities, auditoriums, cafeterias, or other food service facili-
5 ties, residence halls, dormitories, or other student living accommoda-
6 tions, laboratories, classrooms, offices, parking structures or facili-
7 ties, landscaping, roads, utilities, and other buildings, structures or
8 facilities of a like nature appropriate to or necessary for the opera-
9 tion and maintenance of an institution of higher education.

10 Sec. 14.41.350. LIBRARY SERVICES. Libraries shall be established
11 on each community college campus and, where feasible for an extension
12 center or outreach program. This resource or service shall be made
13 available, and the library facility shall be open to, the community or
14 service area served by the college. The library's collection shall in-
15 clude material appropriate to the needs and interests of the community
16 or service area served.

17 Sec. 14.41.360. REPORT TO THE GOVERNOR; LEGISLATURE. The board
18 of governors shall make a written report to the governor and to the
19 legislature at the beginning of its regular sessions of the condition
20 of the colleges' property, of all receipts and expenditures, including
21 but not limited to the administration and disposition of appropriated
22 and restricted funds, and of the educational and other work performed.

23 Sec. 14.41.370. REGULATIONS. A community college, an extension
24 center, an outreach program, or a central or regional service center for
25 that program, established under this chapter independently or in co-
26 operation with a school district, municipality, an agency of the federal
27 government or a nonprofit corporation or association, shall be operated
28 and maintained under regulations prescribed by the board.

29 Sec. 14.41.380. DEFINITIONS. In this chapter

1 (1) "board" means the Board of Governors of the Alaska
2 Community Colleges;

3 (2) "chancellor" means the chancellor of the Alaska Commu-
4 nity Colleges;

5 (3) "colleges" means the Alaska Community Colleges, including
6 but not limited to the individual community colleges, extension centers
7 and outreach programs established, operated and maintained by the
8 board;

9 (4) "council" means a community college council appointed for
10 an individual community college, extension center or outreach program;

11 (5) "municipality" means a home rule or general law borough
12 or city including but not limited to a unified municipality organized
13 under AS 29.68;

14 (6) "outreach program" means either an off-campus educational
15 delivery system or program, whether or not conducted in a physical
16 facility, designed for the conduct of instruction in localities in the
17 rural areas of the state where there is no community college or exten-
18 sion center;

19 (7) "service area" means one or more school districts or
20 municipalities, combinations or portions of each or of the unorganized
21 borough, which when combined are considered an educationally serviceable
22 unit for the establishment, operation and maintenance of a community
23 college, an extension center or an outreach program either independently
24 or in cooperation with the Alaska Community Colleges or the University
25 of Alaska.

26 Sec. 14.41.390. SHORT TITLE. Sections 010 - 390 of this chapter
27 may be cited as the Community College Act.

28 * Sec. 2. AS 14.40.560 - 14.40.640 are repealed.

29 * Sec. 3. AS 14.40.460 is amended to read:

1 Sec. 14.40.460. STUDENTS ENTITLED TO SCHOLARSHIP. The high
2 school student in each graduating class in each high school in the
3 state who, upon the completion of four years of high school work in a
4 high school in the state, obtains the highest average standing for all
5 the credits earned, and who is graduated at an annual commencement is
6 entitled to receive, during dormitory residence at the University of
7 Alaska or the Alaska Community Colleges a scholarship covering dormi-
8 tory rent for a period of two years following the year of graduation
9 upon presenting to the registrar of the university or of the colleges
10 a certificate signed by the superintendent or principal of the high
11 school from which he graduated stating that the graduate named is
12 entitled to receive the benefits of the scholarship. Dormitory resi-
13 dence is governed by [THE RULES AND] regulations established by the
14 Board of Regents or the board of governors.

15 * Sec. 4. AS 14.40.480 is amended to read:

16 Sec. 14.40.480. APPLICATIONS FOR AND ISSUANCE AND REPORT OF CERTI-
17 FICATES. A certificate shall be applied for and issued to a graduate
18 before August 2 of each year and shall be reported immediately to the
19 registrar of the university or of the colleges by the superintendent or
20 principal issuing it.

21 * Sec. 5. AS 14.40.490 is amended to read:

22 Sec. 14.40.490. FORFEITURE OF SCHOLARSHIP BENEFITS. Failure to do
23 passing work in more than one subject during a semester, or withdrawal
24 or expulsion from the university or the colleges constitutes a for-
25 feiture during the following semester or semesters of the benefits of
26 secs. 460 and 470 of this chapter.

27 * Sec. 6. AS 14.40.500 is amended to read:

28 Sec. 14.40.500. PAYMENT OF SCHOLARSHIPS. Payment of the scholar-
29 ships shall be made monthly to the university or the colleges upon

1 vouchers drawn upon the Department of Administration and duly certified
2 by the treasurer and the president of the Board of Regents or the
3 treasurer and chairman of the board of governors. No payments may be
4 made in excess of amounts specifically appropriated for this purpose.

5 * Sec. 7. AS 14.40.520 is amended to read:

6 Sec. 14.40.520. SCHOLARSHIPS. The Board of Regents of the Univer-
7 sity of Alaska and the Board of Governors of the Alaska Community
8 Colleges shall offer not more than 15 new scholarships for each academic
9 year to Alaska Natives desiring to attend the University of Alaska or
10 the Alaska Community Colleges. The boards [BOARD] shall give preference
11 to Natives residing in the rural areas of the state who desire to re-
12 ceive training in the field of education. If there are more than 15
13 applications the boards [BOARD] shall award 15 scholarships to those
14 applicants who have the highest scholastic record or who the boards
15 determine [BOARD DETERMINES] are the most qualified among the applicants
16 and who are financially unable to obtain a higher education without
17 assistance. The university and the colleges shall provide such minimum
18 financial assistance to these students as is necessary in each indi-
19 vidual case, but not exceeding fees, board and room.

20 * Sec. 8. AS 14.40.530 is amended to read:

21 Sec. 14.40.530. CONTINUATION OF SCHOLARSHIPS. The award of free
22 room and board shall be made from any funds available to the university
23 or the colleges. Each Native who receives a scholarship under secs.
24 510 - 550 of this chapter is entitled to retain the scholarship and to
25 receive free room and board during his attendance at the university or
26 the colleges as long as he maintains a grade average equivalent to a
27 "C" or better. However, no Native is entitled to the scholarship for
28 more than four years, or for more than the number of years necessary to
29 receive a bachelor's degree.

1 * Sec. 9. AS 14.40.903(a)(6) is repealed and re-enacted to read:

2 (6) two members of the Board of Governors of the Alaska
3 Community Colleges designated by the members of that body; and, if the
4 council is a separate and distinct entity from the board of governors,
5 one member of the state Advisory Council on Community Colleges desig-
6 nated by the members of that body;

7 * Sec. 10. AS 14.40.909(b)(2) is amended to read:

8 (2) establish a state advisory council on community colleges
9 and develop a comprehensive statewide plan for the expansion and im-
10 provement of the community colleges under sec. 1001 of Title X of the
11 Higher Education Act of 1965, as amended by the Education Amendments of
12 1972 (PL 92-318, sec. 186; 86 Stat. 312, 313); however, to avoid the
13 establishment of duplicate agencies, the commission may designate the
14 Board of Governors of the Alaska Community Colleges as the state
15 Advisory Council on Community Colleges if the composition of the board's
16 membership meets the requirements of applicable federal law or regula-
17 tion;

18 * Sec. 11. AS 39.25.110(7) is amended to read:

19 (7) officers, members of the teaching staff, and employees
20 of the University of Alaska and the Alaska Community Colleges;

21 * Sec. 12. AS 39.50.200(9) is amended by adding a new paragraph to read:

22 (LL) Alaska Community Colleges board of governors
23 (AS 14.41.050).

24 * Sec. 13. TRANSITION; PROPERTY AND FUNDS. Under the direction of the
25 Alaska Commission on Postsecondary Education, in cooperation with the Depart-
26 ments of Administration and Revenue, the Board of Regents of the University
27 of Alaska shall redistribute or transfer all the property, assets and state
28 or federal funds of the University of Alaska relating to the operation,
29 maintenance and support of the community colleges within the university to

1 the Alaska Community Colleges.

2 * Sec. 14. TRANSITION; PENDING PROCEEDINGS; REGULATIONS; LEGAL OBLIGA-
3 TIONS. All litigation, hearings, investigations and other proceedings pend-
4 ing under a law amended for functions which may be transferred by this Act,
5 continue in effect and may be continued and completed notwithstanding a
6 transfer or amendment provided for in this Act. Certificates, orders, rules
7 or regulations issued or filed under authority of a law amended by this Act
8 or functions which may be transferred by this Act, remain in effect for the
9 term issued, unless revoked, vacated, or otherwise modified under the pro-
10 visions of this Act. All contracts or other obligations created by a law
11 amended by this Act or by virtue of functions which may be transferred by
12 this Act, and in effect on the effective date of this Act, remain in effect
13 unless revoked or modified under the provisions of this Act.

14 * Sec. 15. TRANSITION; PERSONNEL. All faculty, staff, officers or em-
15 ployees in the community colleges of the University of Alaska, or those
16 statewide or regional faculty, staff, officers or employees of the univer-
17 sity whose functions, powers, duties and responsibilities relate in whole or
18 in the major part to community colleges and who have been retained for 1976-
19 1977 shall be terminated by the University of Alaska and shall be rehired
20 by the Alaska Community Colleges. The Alaska Commission on Postsecondary
21 Education shall assist those community college faculty, staff, officers or
22 employees of the University of Alaska who are not transferred in finding
23 positions for which they are qualified.

24 * Sec. 16. The Board of Governors of the Alaska Community Colleges
25 succeeds the Board of Regents of the University of Alaska as a party to an
26 existing cooperative agreement between the Board of Regents of the Univer-
27 sity of Alaska and a school district, municipality, or an agency of the
28 federal government, or a nonprofit corporation or association with respect
29 to the establishment, operation and maintenance of a community college or

1 an extension center. That agreement in effect on the effective date of this
2 Act shall remain in effect until its agreed expiration and may be modified
3 or extended by mutual agreement unless, before the agreed expiration, it is
4 mutually cancelled by the contracting parties in accordance with law.
5 Nothing in sec. 1 of this Act affects the status of a community college or
6 extension center established, maintained and in operation under a cooperative
7 agreement between the Board of Regents and a school district, municipality
8 or an agency of the federal government on the effective date of this Act,
9 except that the board of governors succeeds to the authority of the Board of
10 Regents and as a party to that agreement in all respects.

11 * Sec. 17. This Act takes effect July 1, 1976.
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