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1 IN THE SENATE

BY CROFT

2 SPONSOR SUBSTITUTE FOR 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. It is the purpose of this chapter to
13 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, or
29 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
5 skills in a chosen trade or occupation and lead either to a degree or a
6 certificate of completion;

7 (3) general education and public interest courses designed to
8 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 section.

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 to
17 off-campus study and credit and noncredit courses that may or may not
18 lead to associate, baccalaureate or advanced degrees through its rural
19 education affairs division.

20 ARTICLE 2. GOVERNANCE.

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

24 (1) sue and be sued;

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

26 (3) contract and be contracted with;

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

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

1 programs;

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

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

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

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

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

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

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

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

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

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

25 (c) Failure of the student board member appointed under (b) of
26 this section to remain enrolled as a full-time student at one of the
27 Alaska Community Colleges, extension centers or outreach programs dur-
28 ing his term results in forfeiture of that office. The forfeiture
29 occurs upon certification by the registrar that the student board

1 member is no longer a full-time student. The governor shall appoint a
2 successor from among the list of nominees submitted to him under (b) of
3 this section at the time of original appointment.

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

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

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

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

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

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

1 the board, its committees or subcommittees called under the bylaws or
2 rules of procedure of the board. Emergency meetings may be called
3 without notice.

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

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

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

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

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

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

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

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

1 (5) keep or have kept a correct and easily understood record
2 of the minutes of every meeting and all acts done by the board in the
3 pursuit of its duties;

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

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

11 (b) The board may

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

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

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

23
24 ARTICLE 3. ADMINISTRATION.

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

1 outreach program.

2 (b) In addition to his responsibility for the administration of
3 on-campus programs for the community colleges and extension centers, the
4 chancellor shall develop and administer off-campus educational delivery
5 systems and outreach programs for rural areas of the state.

6 (c) The chancellor shall establish two administrative divisions
7 within the colleges: an urban division and a rural education affairs
8 division. The urban division consists of the community colleges and
9 extension centers designated by the board and that are located in the
10 major urban centers of, or within any other geographically identifiable
11 and self-contained region in, the state. The rural education affairs
12 division consists of the community colleges, extension centers and out-
13 reach programs designated by the board and that are located outside the
14 major urban centers of the state. The administrator for each division
15 shall be a vice-chancellor.

16 Sec. 14.41.150. DUTIES AND POWERS OF THE CHANCELLOR. (a) The
17 chancellor shall

18 (1) appoint the vice-chancellor for each division and, on
19 recommendation of the appropriate vice-chancellor, the principal admin-
20 istrative officer for each community college, extension center on
21 recommendation of the community college council for each, subject to the
22 approval of the board;

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

25 (3) give general direction to the work of the divisions,
26 colleges, centers and programs in accordance with the policies estab-
27 lished by the board;

28 (4) in concert with the principal administrative officers,
29 coordinate the divisions, community colleges, extension centers and

1 outreach programs and other activities of the Alaska Community Colleges.

2 (b) The chancellor may appoint the faculty and other officers and
3 employees of each community college, extension center or outreach
4 program, on recommendation of the vice-chancellor and the principal
5 administrative officer of each; however, with the approval of the board,
6 the chancellor may delegate the authority to appoint faculty, officers
7 and employees to the vice-chancellor or to the principal administrative
8 officer of each college, center or program.

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

14 Sec. 14.41.170. CAMPUS ADMINISTRATION. (a) The principal admin-
15 istrative officer for each community college is a dean or director. He
16 is responsible directly to the chancellor and to the community college
17 council for the administration of the college. Subject to the approval
18 of the board, the dean or director shall be appointed by the chancellor,
19 on recommendation of the vice-chancellor and the council for the college
20 which the dean or director will administer.

21 (b) Each extension center or outreach program, whether estab-
22 lished, operated or maintained by the board, or in cooperation with the
23 Board of Regents of the University of Alaska, or a school district,
24 municipality, an agency of the federal government or a nonprofit cor-
25 poration or association, is under the direction of an administrator
26 appointed by the chancellor, on recommendation of the vice-chancellor,
27 in the manner prescribed by the board by regulation, or as prescribed in
28 the cooperative agreement.

29 Sec. 14.41.180. CENTRAL, REGIONAL SERVICE ORGANIZATIONS. The

1 board may establish statewide or central service organizations for the
2 community colleges, extension centers and outreach programs. Regional
3 service centers also may be established to administer the outreach
4 programs and to provide postsecondary educational services to the resi-
5 dents of the rural areas of the state in each service area for which a
6 regional center is established. In a service area where a community
7 college or an extension center is located, the regional service center
8 shall be integrated with the operation of the community college or
9 extension center.

10 Sec. 14.41.190. FACULTY; COURSE OF INSTRUCTION. (a) Full-time
11 members of the faculty and administrative staff of each community
12 college, extension center and outreach program are members of the fac-
13 ulty and administrative staff, respectively, of the Alaska Community
14 Colleges for all purposes.

15 (b) The chancellor is responsible for prescribing the qualifi-
16 cations, and for establishing the procedure for appointment, of all
17 community college and extension center faculty and administrative staff,
18 whether part or full-time.

19 (c) A community college, extension center or outreach program is
20 concerned with the total educational needs of the area it serves and may
21 coordinate and facilitate all public postsecondary and continuing
22 education in the area. Selected upper division and graduate courses
23 offered by the University of Alaska through its various divisions may be
24 coordinated through the principal administrative officer of a community
25 college, extension center, or an outreach program.

26 Sec. 14.41.200. COMMUNITY COLLEGE COUNCIL. (a) A community
27 college council, the majority of whose members shall be persons served
28 by the programs developed and administered under this chapter, shall be
29 established for each community college. The council shall consist of

1 not less than seven nor more than 15 members who shall be broadly
2 representative of the area served, including faculty and student repre-
3 sentation. A council may be appointed for an extension center and for
4 each regional service center, when the center is not integrated with a
5 community college or extension center, at the discretion of the board.

6 (b) The board, by regulation, shall prescribe the method of
7 selection of members of community college councils, prescribe the term
8 of office, procedure for removal and for the filling of vacancies on the
9 councils. Each community college council shall adopt bylaws which shall
10 provide for the election of officers, establishment of meeting schedules
11 and meeting notices, rules of procedure and quorums.

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

16 (d) The provisions of sec. 100(c) of this chapter and AS 44.62.310
17 apply to meetings of community college councils in the same manner and
18 to the same extent applicable to meetings of the Board of Governors, its
19 committees and subcommittees.

20 (e) A community college council acts in a policy-making capacity
21 with respect to the principal administrative officer of each community
22 college, coordinator of an extension center or administrator of an out-
23 reach program. It acts in an advisory capacity to the chancellor, the
24 appropriate vice-chancellor, and to the Board of Governors.

25 (f) The community college council serves as a communications link
26 between the area served by the community college, extension center or
27 outreach program and the Alaska Community Colleges. Requests and
28 recommendations by a community college council shall be answered in
29 writing by the addressee.

1 (g) A community college council shall review and make recommenda-
2 tions

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

5 (2) concerning the proposed program budget for the community
6 college, extension center or outreach program for each fiscal year
7 before it is submitted to the statewide administration and to the Board
8 of Governors; and

9 (3) relating to the general operation and management of the
10 community college, extension center or outreach program, including but
11 not limited to,

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

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

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

20 ARTICLE 4. ESTABLISHMENT OF COMMUNITY COLLEGES.

21 Sec. 14.41.210. ESTABLISHMENT. (a) Since postsecondary and con-
22 tinuing education is a statewide responsibility, the colleges, as the
23 need arises, may either independently establish, operate and maintain,
24 or enter into a cooperative agreement with an agency of the federal
25 government, a school district, a municipality or a nonprofit corporation
26 or association for the establishment, operation and maintenance of,
27 appropriate public postsecondary and continuing educational programs and
28 activities in community colleges, extension centers or by other means.

29 (b) A community college or an extension center may be established

1 by the Board of Governors only in accordance with the minimum criteria
2 established by secs. 220 - 230 of this chapter, as supplemented by the
3 board by regulation.

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

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

8 (2) an agency of the federal government;

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

11 (4) the Alaska Commission on Postsecondary Education or the
12 state advisory council on community colleges created under AS 14.40.-
13 901 - 14.40.915;

14 (5) the legislature by concurrent resolution; or

15 (6) the board.

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

24 (b) The feasibility study required in (a) of this section shall
25 include but is not limited to

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

29 (2) a description of the boundary of the service area for the

1 proposed community college;

2 (3) estimated and projected enrollment;

3 (4) proposed core faculty and administrative staffing;

4 (5) a proposed budget for the initial fiscal year of opera-
5 tion together with a statement of sources of financial support required
6 for core faculty and administrative staff, curriculum and other programs
7 and activities, and physical facilities;

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

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

13 Sec. 14.41.230. EXTENSION CENTERS. If in any community where a
14 community college has been proposed the level of demand for postsecond-
15 ary and continuing education as determined by the feasibility study
16 required under sec. 220(a) of this chapter is more limited than that
17 required for the establishment of a comprehensive community college pro-
18 gram, the board may establish an extension center or an outreach program
19 either independently or in cooperation with the University of Alaska, a
20 school district, a municipality, a nonprofit corporation or association,
21 or an agency of the federal government.

22 Sec. 14.41.240. RELATIONSHIP WITH SCHOOL DISTRICT, MUNICIPALITY,
23 FEDERAL AGENCY. (a) A school district, municipality, federal agency, a
24 nonprofit corporation or association, or the University of Alaska may
25 make an agreement with the Alaska Community Colleges for the estab-
26 lishment, operation and maintenance of a community college, an extension
27 center or off-campus instruction through an outreach program. The
28 agreement shall include, but is not limited to,

29 (1) recognition that complete operational authority resides

1 with the colleges, subject to periodic reviews by the cooperating school
2 district, municipality, federal agency, nonprofit corporation or associ-
3 ation, or the University of Alaska and appropriate reports to ensure
4 program articulation and effective cross-utilization of facilities;

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

7 (3) provision that local funding, in addition to student fees
8 or in-kind contributions, may be provided for support of those general
9 education courses, described in sec. 20(3) of this chapter, or secondary
10 school-related courses as the school district, municipality, federal
11 agency, nonprofit corporation or association, or the University of
12 Alaska considers appropriate; and

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

14 (b) If separate facilities are financed, constructed or maintained
15 from federal, state or private funds for programs and activities of the
16 community college, extension center or outreach program, then the board
17 has title to and control of the separate facilities used for these pur-
18 poses. If separate facilities are financed, constructed or maintained
19 from school district, municipality or nonprofit corporation or associa-
20 tion funds for community college or extension center or outreach pro-
21 grams and activities, the school district, municipality or nonprofit
22 corporation or association has title to and control of the separate
23 facilities used for these purposes.

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

29 (1) make a continuing study of the feasibility of expanding

1 the system of community colleges, extension centers and outreach pro-
2 grams in accordance with the criteria set out in sec. 220(b) of this
3 chapter;

4 (2) establish additional extension courses, outreach programs
5 and other accredited courses for students it considers advisable in
6 accordance with the procedures set out in secs. 210 - 230 of this
7 chapter;

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

9 (b) Laws of the state designed to meet requirements of the federal
10 government for the state's acceptance of federal grants and allotments
11 for educational and like purposes are extended to cover the establish-
12 ment and operation of the community college expansion program set out
13 in (a) of this section.

14 ARTICLE 5. FINANCE; FISCAL AND PROPERTY MANAGEMENT.

15 Sec. 14.41.260. FINANCE. (a) The state is basically responsible
16 for the funding for all community college, extension center or outreach
17 programs and activities. However, nothing in this chapter prohibits a
18 school district, municipality, federal agency or nonprofit corporation
19 or association from providing funds for additional courses and programs
20 which may be considered appropriate under sec. 240(a)(3) of this chap-
21 ter.

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

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

1 Sec. 14.41.270. PROPERTY AND FUNDS GENERALLY. (a) Except as
2 otherwise provided in this chapter, the Alaska Community Colleges shall
3 hold and manage all property acquired by it. The Department of Admin-
4 istration, upon requisitions by the Board of Governors, signed by its
5 chairman and secretary, shall pay to the treasurer of the board all
6 federal land grant college funds coming into the possession of the
7 Department of Administration and subject to requisition by the board.
8 The department shall disburse federal funds in aid of land grant col-
9 leges in accordance with federal law and regulations providing for
10 disbursement of those funds.

11 (b) All funds appropriated by the legislature for the establish-
12 ment, construction, operation, maintenance and support of the Alaska
13 Community Colleges shall, on requisition by the board, signed by its
14 chairman and secretary, be paid by the Department of Administration to
15 the treasurer of the board. The treasurer of the board shall disburse
16 these funds on properly drawn vouchers signed by its chairman and
17 secretary, or by the administrative officer of the colleges to whom the
18 board delegates the performances of this function.

19 Sec. 14.41.280. BOARD OF GOVERNORS TO ACT AS TRUSTEE. (a) The
20 Board of Governors may receive, manage, and invest money or other real,
21 personal or mixed property in any manner received from sources other
22 than the state legislature or federal appropriation for the purpose of
23 the colleges, its improvement or adornment, or the aid or advantage of
24 students or faculty, and, in general, may act as trustee on behalf of
25 the colleges for any of these purposes. However, the board shall make a
26 written report to the legislature, in accordance with sec. 360 of this
27 chapter, as to the administration and disposition of funds received
28 under this section.

29 (b) The board shall keep or have kept suitable books of account in

1 which there shall be recorded each gift, the essential facts of the
2 management of the gift, and the expenditure of income. A statement of
3 all trust funds shall be included in the annual report to the governor
4 and to the legislature under sec. 360 of this chapter.

5 Sec. 14.41.290. ENDOWMENTS AND DONATIONS. All monetary gifts,
6 bequests or endowments which are made to the colleges for the purpose of
7 the separate trust fund created under AS 14.40.400, to the extent the
8 Alaska Community Colleges is the successor to the University of Alaska,
9 shall be transferred to the Department of Revenue. The Department of
10 Revenue shall manage that money in accordance with AS 14.40.400. Title
11 to and control or possession of land, personal property, and all money
12 other than that transferred to the Department of Revenue, which is
13 devised, bequeathed or given to the colleges, shall be taken by the
14 colleges in its corporate capacity acting by and through the Board of
15 Governors, or its authorized agent, and shall be entered in the per-
16 petual inventory of the colleges.

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

20 Sec. 14.41.310. APPLICABILITY OF FISCAL PROCEDURES ACT. The com-
21 petitive bid practices set out in AS 37.05.230 apply to the Alaska
22 Community Colleges, except that the provisions of that Act do not apply
23 in those cases where the work is to be performed substantially by
24 students enrolled in the colleges. Where the term "purchasing agent" is
25 used in AS 37.05, it means the administrative officer of the colleges so
26 designated either by the board or the chancellor.

27 Sec. 14.41.320. WORKING CAPITAL RESERVE FUND. (a) There is
28 established in the treasury of the Alaska Community Colleges a working
29 capital reserve fund. The fund consists of money appropriated by the

1 legislature for the purpose of providing current working capital for the
2 Alaska Community Colleges and is not available for appropriation by the
3 Board of Governors.

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

7 Sec. 14.41.330. APPLICABILITY OF CERTAIN FEDERAL LAWS. To the
8 extent the Alaska Community Colleges is considered a successor to the
9 University of Alaska as a land grant college, or for any other purposes,
10 and thus a beneficiary of federal grants of land or money under AS 14.-
11 40.350 - 14.40.450, insofar as the operation, management and control of
12 the community colleges, extension centers and outreach programs are
13 concerned, the provisions of AS 14.40.350 - 14.40.450 apply to the
14 Alaska Community Colleges in the same manner they apply to the Univer-
15 sity of Alaska.

16 ARTICLE 6. GENERAL PROVISIONS.

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

20 (b) No instruction either sectarian in religion or partisan in
21 politics may be given in any department of the colleges, and no sec-
22 tarian or partisan test may be employed or applied in the appointment of
23 board or council members, faculty, or other officers or employees of the
24 colleges, or in the admission of students or for any purposes.

25 Sec. 14.41.350. JOINT USE OF FACILITIES REQUIRED. (a) When the
26 campuses of the Alaska Community Colleges and the University of Alaska
27 are located in the same community or municipality either contiguous,
28 adjacent or reasonably close to one another, or when before the effec-
29 tive date of this chapter the community colleges as a part of the

1 University of Alaska shared or jointly used the same buildings and other
2 facilities as other colleges, departments, divisions, institutes, or
3 other units of the University of Alaska, the shared or joint use of
4 these facilities shall be continued after the effective date of this
5 chapter. The Board of Governors of the Alaska Community Colleges and
6 the Board of Regents of the University of Alaska shall enter into a
7 contract, consortium or other cooperative agreement for the continued
8 sharing or joint use of these buildings or facilities, including the
9 cost of their construction, operation and maintenance. When new build-
10 ings or facilities are required by either the colleges or the univer-
11 sity, and the same contiguous, adjacent or proximal physical location of
12 the campuses of the two institutions exists or would come into existence
13 by virtue of the location and construction of these buildings or facili-
14 ties, the two boards shall enter into a contract, consortium or other
15 cooperative agreement for the sharing or joint use of these buildings or
16 facilities, including the cost of their construction, operation and
17 maintenance.

18 (b) For purposes of (a) of this section, "buildings or facilities"
19 includes, but is not limited to, libraries, gymnasiums or other athletic
20 facilities, auditoriums, cafeterias or other food service facilities,
21 residence halls, dormitories or other student living accommodations,
22 laboratories, classrooms, offices, parking structures or facilities,
23 landscaping, roads, utilities, and other buildings, structures or
24 facilities of a like nature appropriate to or necessary for the opera-
25 tion and maintenance of an institution of higher education.

26 Sec. 14.41.350. LIBRARY SERVICES. Libraries shall be established
27 on each community college campus and, when feasible, for an extension
28 center or outreach program. This resource or service shall be made
29 available, and the library facility shall be open to, the community or

1 service area served by the college. The library's collection shall in-
2 clude material appropriate to the needs and interests of the community
3 or service area served.

4 Sec. 14.41.360. REPORT TO THE GOVERNOR, LEGISLATURE. The Board of
5 Governors shall make a written report to the governor and to the legis-
6 lature at the beginning of its regular sessions of the condition of the
7 colleges' property, of all receipts and expenditures, including but not
8 limited to the administration and disposition of appropriated and
9 restricted funds, and of the educational and other work performed.

10 Sec. 14.41.370. REGULATIONS. A community college, an extension
11 center, an outreach program, or a central or regional service center for
12 that program, established under this chapter independently or in co-
13 operation with a school district, municipality, an agency of the federal
14 government, a nonprofit corporation or association, or the University
15 of Alaska, shall be operated and maintained under regulations prescribed
16 by the board.

17 Sec. 14.41.380. DEFINITIONS. In this chapter

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

20 (2) "chancellor" means the chancellor of the Alaska Community
21 Colleges;

22 (3) "colleges" means the Alaska Community Colleges, including
23 but not limited to the individual community colleges, extension centers
24 and outreach programs established, operated and maintained independently
25 by the board or in cooperation with a municipality, school district,
26 federal agency, nonprofit corporation or association, or the University
27 of Alaska;

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

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

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

9 (7) "service area" means one or more school districts or
10 municipalities, combinations or portions of each or of the unorganized
11 borough, which when combined are considered an educationally serviceable
12 unit for the establishment, operation and maintenance of a community
13 college, an extension center or an outreach program either independently
14 by the Alaska Community Colleges or in cooperation with a municipality,
15 school district, federal agency, nonprofit corporation or association,
16 or the University of Alaska.

17 Sec. 14.41.390. SHORT TITLE. Sections 10 - 390 of this chapter
18 may be cited as the Community College Act.

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

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

21 Sec. 14.40.460. STUDENTS ENTITLED TO SCHOLARSHIP. The high
22 school student in each graduating class in each high school in the state
23 who, upon the completion of four years of high school work in a high
24 school in the state, obtains the highest average standing for all the
25 credits earned, and who is graduated at an annual commencement is
26 entitled to receive, during dormitory residence at the University of
27 Alaska or the Alaska Community Colleges, a scholarship covering dormi-
28 tory rent for a period of two years following the year of graduation
29 upon presenting to the registrar of the university or of the colleges

1 a certificate signed by the superintendent or principal of the high
2 school from which he graduated stating that the graduate named is
3 entitled to receive the benefits of the scholarship. Dormitory resi-
4 dence is governed by [THE RULES AND] regulations established by the
5 Board of Regents or the Board of Governors.

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

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

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

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

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

19 Sec. 14.40.500. PAYMENT OF SCHOLARSHIPS. Payment of the scholar-
20 ships shall be made monthly to the university or the colleges upon
21 vouchers drawn upon the Department of Administration and duly certified
22 by the treasurer and the president of the Board of Regents or the
23 treasurer and chairman of the Board of Governors. No payments may be
24 made in excess of amounts specifically appropriated for this purpose.

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

26 Sec. 14.40.520. SCHOLARSHIPS. The Board of Regents of the Univer-
27 sity of Alaska and the Board of Governors of the Alaska Community
28 Colleges shall offer not more than 15 new scholarships for each academic
29 year to Alaska Natives desiring to attend the University of Alaska or

1 the Alaska Community Colleges. The boards [BOARD] shall give preference
2 to Natives residing in the rural areas of the state who desire to re-
3 ceive training in the field of education. If there are more than 15
4 applications the boards [BOARD] shall award 15 scholarships to those
5 applicants who have the highest scholastic record or who the boards
6 determine [BOARD DETERMINES] are the most qualified among the applicants
7 and who are financially unable to obtain a higher education without
8 assistance. The university and the colleges shall provide such minimum
9 financial assistance to these students as is necessary in each indi-
10 vidual case, but not exceeding fees, board and room.

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

12 Sec. 14.40.530. CONTINUATION OF SCHOLARSHIPS. The award of free
13 room and board shall be made from any funds available to the university
14 or the colleges. Each Native who receives a scholarship under secs.
15 510 - 550 of this chapter is entitled to retain the scholarship and to
16 receive free room and board during his attendance at the university or
17 the colleges as long as he maintains a grade average equivalent to a
18 "C" or better. However, no Native is entitled to the scholarship for
19 more than four years, or for more than the number of years necessary to
20 receive a bachelor's degree.

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

22 (6) two members of the Board of Governors of the Alaska
23 Community Colleges designated by the members of that body; and, if the
24 council is a separate and distinct entity from the Board of Governors,
25 one member of the state Advisory Council on Community Colleges desig-
26 nated by the members of that body;

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

28 (2) establish a state advisory council on community colleges
29 and develop a comprehensive statewide plan for the expansion and im-

1 provement of the community colleges under sec. 1001 of Title X of the
2 Higher Education Act of 1965, as amended by the Education Amendments of
3 1972 (PL 92-318, sec. 186; 86 Stat. 312, 313); however, to avoid the
4 establishment of duplicate agencies, the commission may designate the
5 Board of Governors of the Alaska Community Colleges as the state
6 Advisory Council on Community Colleges if the composition of the board's
7 membership meets the requirements of applicable federal law or regula-
8 tion;

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

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

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

13 (LL) Alaska Community Colleges Board of Governors;

14 (AS 14.41.050).

15 * Sec. 13. TRANSITION: PROPERTY AND FUNDS. Under the direction of the
16 Alaska Commission on Postsecondary Education, in cooperation with the Depart-
17 ments of Administration and Revenue, the Board of Regents of the University
18 of Alaska shall redistribute or transfer all the property, assets and state
19 or federal funds of the University of Alaska relating to the operation,
20 maintenance and support of the community colleges within the university to
21 the Alaska Community Colleges.

22 * Sec. 14. TRANSITION: PENDING PROCEEDINGS; REGULATIONS; LEGAL OBLIGA-
23 TIONS. All litigation, hearings, investigations and other proceedings pend-
24 ing under a law amended for functions which may be transferred by this Act,
25 continue in effect and may be continued and completed notwithstanding a
26 transfer or amendment provided for in this Act. Certificates, orders, rules
27 or regulations issued or filed under authority of a law amended by this Act
28 or functions which may be transferred by this Act, remain in effect for the
29 term issued, unless revoked, vacated, or otherwise modified under the pro-

1 visions of this Act. All contracts or other obligations created by a law
2 amended by this Act or by virtue of functions which may be transferred by
3 this Act, and in effect on the effective date of this Act, remain in effect
4 unless revoked or modified under the provisions of this Act.

5 * Sec. 15. TRANSITION: PERSONNEL. All faculty, staff, officers or em-
6 ployees in the community colleges of the University of Alaska, or those
7 statewide or regional faculty, staff, officers or employees of the univer-
8 sity whose functions, powers, duties and responsibilities relate in whole or
9 in the major part to community colleges and who have been retained for 1976-
10 1977 shall be terminated by the University of Alaska and shall be rehired
11 by the Alaska Community Colleges. The Alaska Commission on Postsecondary
12 Education shall assist those community college faculty, staff, officers or
13 employees of the University of Alaska who are not transferred in finding
14 positions for which they are qualified.

15 * Sec. 16. TRANSITION: EXISTING COMMUNITY COLLEGES, COOPERATIVE AGREE--
16 MENTS. The Board of Governors of the Alaska Community Colleges succeeds the
17 Board of Regents of the University of Alaska as a party to an existing
18 cooperative agreement between the Board of Regents of the University of
19 Alaska and a school district, municipality, or an agency of the federal
20 government, or a nonprofit corporation or association with respect to the
21 establishment, operation and maintenance of a community college or an exten-
22 sion center. That agreement in effect on the effective date of this Act
23 shall remain in effect until its agreed expiration and may be modified or
24 extended by mutual agreement unless, before the agreed expiration, it is
25 mutually cancelled by the contracting parties in accordance with law. Nothing
26 in sec. 1 of this Act affects the status of a community college or extension
27 center established, maintained and in operation under a cooperative agreement
28 between the Board of Regents and a school district, municipality or an agency
29 of the federal government on the effective date of this Act, except that the

1 Board of Governors succeeds to the authority of the Board of Regents and as a
2 party to that agreement in all respects.

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