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BY CROFT, RODEY, SACKETT,
BRADLEY, FERGUSON, HOHMAN,
COLLETTA, SUMNER AND WILLIS

1 IN THE SENATE

2 SENATE BILL NO. 294

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST 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 an institution of higher educa-

1 tion granting baccalaureate degrees;

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 of
7 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 of
15 this chapter.

16 (b) Board members shall be citizens of the United States and
17 residents of this state and of a community where there is a community
18 college, extension center or outreach program, for one year before
19 appointment and during the board member's term of office.

20 (c) Three board members shall be residents of Southeastern Alaska,
21 Western Alaska and Northern Alaska, respectively; two board members
22 shall be residents of Southcentral Alaska; and two board members shall
23 be at large. However, this provision for the geographical distribution
24 of board membership does not apply to the appointment of faculty and
25 student board members.

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

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

12 (b) The student member of the board shall be appointed from a list
13 of nominees consisting of the names of two students from each campus of
14 the Alaska Community Colleges, and one from each extension center or
15 outreach program, after an election is held at each campus, center or
16 program site. The elections shall be conducted under rules established
17 by the Office of the Governor. In addition to satisfying the require-
18 ments of sec. 50(b) of this chapter, the student board member appointed
19 under this section must

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

23 (2) be enrolled as a full-time student as defined by the
24 academic regulations of the Alaska Community Colleges, extension centers
25 or outreach programs at the time of appointment.

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

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

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

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

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

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

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

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

1 regular meetings and 10 days notice is required for special meetings of
2 the board, its committees or subcommittees called under the bylaws or
3 rules of procedure of the board. Emergency meetings may be called
4 without notice.

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

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

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

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

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

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

26 (3) have the primary responsibility for providing the first
27 two years of postsecondary education as well as all the other functions
28 of the comprehensive community college specified in sec. 20 of this
29 chapter;

1 (4) confer degrees appropriate to the community colleges that
2 the board may determine and prescribe;

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

6 (6) keep or have kept a correct and easily understood record
7 of the minutes of every meeting and all acts done by the board in the
8 pursuit of its duties;

9 (7) establish the policies within which the principal campus
10 administrative officers of the community colleges, the associated ex-
11 tension centers or outreach programs, and the community college councils
12 manage and control the operations of each community college, extension
13 center or outreach program;

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

16 (b) The board may

17 (1) adopt reasonable rules, orders and plans, with reasonable
18 penalties, for the good government of the colleges and for the regula-
19 tion of the board;

20 (2) determine and regulate the course of instruction in the
21 colleges with the advice of the chancellor, the principal campus admin-
22 istrative officers, and the community college councils at each college,
23 center or program.

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

28 ARTICLE 3. ADMINISTRATION.

29 Sec. 14.41.140. CHANCELLOR. (a) The chief executive officer of

1 the Board of Governors and of the Alaska Community Colleges is the
2 chancellor. His primary responsibility is the administration of the
3 community colleges, extension centers and outreach programs statewide,
4 working with the vice-chancellor for each division and the principal
5 administrative officers for each community college, extension center or
6 outreach program.

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

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

21 Sec. 14.41.150. DUTIES AND POWERS OF THE CHANCELLOR. (a) The
22 chancellor shall

23 (1) appoint the vice-chancellor for each division and, on
24 recommendation of the appropriate vice-chancellor, the principal admin-
25 istrative officer for each community college, extension center on
26 recommendation of the community college council for each, subject to the
27 approval of the board;

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

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

4 (4) in concert with the principal administrative officers,
5 coordinate the divisions, community colleges, extension centers and
6 outreach programs and other activities of the Alaska Community Colleges.

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

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

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

26 (b) Each extension center or outreach program, whether estab-
27 lished, operated or maintained by the board, or in cooperation with the
28 Board of Regents of the University of Alaska, or a school district,
29 municipality, an agency of the federal government or a nonprofit

1 corporation or association, is under the direction of an administrator
2 appointed by the chancellor, on recommendation of the vice-chancellor,
3 in the manner prescribed by the board by regulation, or as prescribed in
4 the cooperative agreement.

5 Sec. 14.41.180. CENTRAL, REGIONAL SERVICE ORGANIZATIONS. The
6 board may establish statewide or central service organizations for the
7 community colleges, extension centers and outreach programs. Regional
8 service centers also may be established to administer the outreach
9 programs and to provide postsecondary educational services to the resi-
10 dents of the rural areas of the state in each service area for which a
11 regional center is established. In a service area where a community
12 college or an extension center is located, the regional service center
13 shall be integrated with the operation of the community college or
14 extension center.

15 Sec. 14.41.190. FACULTY; COURSE OF INSTRUCTION. (a) Full-time
16 members of the faculty and administrative staff of each community
17 college, extension center and outreach program are members of the fac-
18 ulty and administrative staff, respectively, of the Alaska Community
19 Colleges for all purposes.

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

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

1 college, extension center, or an outreach program.

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

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

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

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

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

1 (f) The community college council serves as a communications link
2 between the area served by the community college, extension center or
3 outreach program and the Alaska Community Colleges. Requests and
4 recommendations by a community college council shall be answered in
5 writing by the addressee.

6 (g) A community college council shall review and make recommenda-
7 tions

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

10 (2) concerning the proposed program budget for the community
11 college, extension center or outreach program for each fiscal year
12 before it is submitted to the statewide administration and to the Board
13 of Governors; and

14 (3) relating to the general operation and management of the
15 community college, extension center or outreach program, including but
16 not limited to,

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

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

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

25 ARTICLE 4. ESTABLISHMENT OF COMMUNITY COLLEGES.

26 Sec. 14.41.210. ESTABLISHMENT. (a) Since postsecondary and con-
27 tinuing education is a statewide responsibility, the colleges, as the
28 need arises, may either independently establish, operate and maintain,
29 or enter into a cooperative agreement with an agency of the federal

1 government, a school district, a municipality or a nonprofit corporation
2 or association for the establishment, operation and maintenance of,
3 appropriate public postsecondary and continuing educational programs and
4 activities in community colleges, extension centers or by other means.

5 (b) A community college or an extension center may be established
6 by the Board of Governors only in accordance with the minimum criteria
7 established by secs. 220 - 230 of this chapter, as supplemented by the
8 board by regulation.

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

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

13 (2) an agency of the federal government;

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

16 (4) the Alaska Commission on Postsecondary Education or the
17 state advisory council on community colleges created under AS 14.40.-
18 901 - 14.40.915;

19 (5) the legislature by concurrent resolution; or

20 (6) the board.

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

29 (b) The feasibility study required in (a) of this section shall

1 include but is not limited to

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

5 (2) a description of the boundary of the service area for the
6 proposed community college;

7 (3) estimated and projected enrollment;

8 (4) proposed core faculty and administrative staffing;

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

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

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

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

27 Sec. 14.41.240. RELATIONSHIP WITH SCHOOL DISTRICT, MUNICIPALITY,
28 FEDERAL AGENCY. (a) A school district, municipality, federal agency, a
29 nonprofit corporation or association, or the University of Alaska may

1 make an agreement with the Alaska Community Colleges for the estab-
2 lishment, operation and maintenance of a community college, extension
3 center or off-campus instruction through an outreach program. The
4 agreement shall include, but is not limited to,

5 (1) recognition that complete operational authority resides
6 with the colleges, subject to periodic reviews by the cooperating school
7 district, municipality, federal agency, nonprofit corporation or associ-
8 ation, or the University of Alaska and appropriate reports to ensure
9 program articulation and effective cross-utilization of facilities;

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

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

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

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

29 Sec. 14.41.250. EXPANSION OF COURSES. (a) To expand educational

1 and cultural opportunities in the state, to keep pace with the expansion
2 of knowledge and with the growth of the state in all fields of endeavor,
3 and to provide educational services and facilities of particular inter-
4 est to residents of the state, the board shall

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

9 (2) establish additional extension courses, outreach programs
10 and other accredited courses for students as it considers advisable in
11 accordance with the procedures set out in secs. 210 - 230 of this
12 chapter;

13 (3) take all appropriate measures to implement this section
14 and to insure that all existing community colleges become comprehensive
15 community colleges as defined in sec. 20 of this chapter.

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

21 ARTICLE 5. FINANCE; FISCAL AND PROPERTY MANAGEMENT.

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

29 (b) The colleges shall prepare a complete program budget for each

1 community college, extension center and outreach program including all
2 courses, programs and activities regardless of the source of funding,
3 including but not limited to funds from fees, grants, contracts, agree-
4 ments, bequests, gifts, trusts, or endowments.

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

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

18 (b) All funds appropriated by the legislature for the establish-
19 ment, construction, operation, maintenance and support of the Alaska
20 Community Colleges shall, on requisition by the board, signed by its
21 chairman and secretary, be paid by the Department of Administration to
22 the treasurer of the board. The treasurer of the board shall disburse
23 these funds on properly drawn vouchers signed by its chairman and
24 secretary, or by the administrative officer of the colleges to whom the
25 board delegates the performances of this function.

26 Sec. 14.41.280. BOARD OF GOVERNORS TO ACT AS TRUSTEE. (a) The
27 Board of Governors may receive, manage, and invest money or other real,
28 personal or mixed property in any manner received from sources other
29 than the state legislature or federal appropriation for the purpose of

1 the colleges, its improvement or adornment, or the aid or advantage of
2 students or faculty, and, in general, may act as trustee on behalf of
3 the colleges for any of these purposes. However, the board shall make a
4 written report to the legislature, in accordance with sec. 360 of this
5 chapter, as to the administration and disposition of funds received
6 under this section.

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

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

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

27 Sec. 14.41.310. APPLICABILITY OF FISCAL PROCEDURES ACT. The com-
28 petitive bid practices set out in AS 37.05.230 apply to the Alaska
29 Community Colleges, except that the provisions of that Act do not apply

1 in those cases where the work is to be performed substantially by
2 students enrolled in the colleges. Where the term "purchasing agent" is
3 used in AS 37.05, it means the administrative officer of the colleges so
4 designated either by the board or the chancellor.

5 Sec. 14.41.320. WORKING CAPITAL RESERVE FUND. (a) There is
6 established in the treasury of the Alaska Community Colleges a working
7 capital reserve fund. The fund consists of money appropriated by the
8 legislature for the purpose of providing current working capital for the
9 Alaska Community Colleges and is not available for appropriation by the
10 Board of Governors.

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

14 Sec. 14.41.330. APPLICABILITY OF CERTAIN FEDERAL LAWS. To the
15 extent the Alaska Community Colleges is considered a successor to the
16 University of Alaska as a land grant college, or for any other purposes,
17 and thus a beneficiary of federal grants of land or money under AS 14.-
18 40.350 - 14.40.450, insofar as the operation, management and control of
19 the community colleges, extension centers and outreach programs are
20 concerned, the provisions of AS 14.40.350 - 14.40.450 apply to the
21 Alaska Community Colleges in the same manner they apply to the Univer-
22 sity of Alaska.

23 ARTICLE 6. GENERAL PROVISIONS.

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

27 (b) No instruction either sectarian in religion or partisan in
28 politics may be given in any department of the colleges, and no sec-
29 tarian or partisan test may be employed or applied in the appointment of

1 board or council members, faculty, or other officers or employees of the
2 colleges, or in the admission of students or for any purposes.

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

25 (b) For purposes of (a) of this section, "buildings or facilities"
26 includes, but is not limited to, libraries, gymnasiums or other athletic
27 facilities, auditoriums, cafeterias or other food service facilities,
28 residence halls, dormitories or other student living accommodations,
29 laboratories, classrooms, offices, parking structures or facilities,

1 landscaping, roads, utilities, and other buildings, structures or
2 facilities of a like nature appropriate to or necessary for the opera-
3 tion and maintenance of an institution of higher education.

4 Sec. 14.41.355. LIBRARY SERVICES. Libraries shall be established
5 on each community college campus and, when feasible, for an extension
6 center or outreach program. This resource or service shall be made
7 available, and the library facility shall be open to, the community or
8 service area served by the college. The library's collection shall in-
9 clude material appropriate to the needs and interests of the community
10 or service area served.

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

17 Sec. 14.41.370. REGULATIONS. A community college, an extension
18 center, an outreach program, or a central or regional service center for
19 that program, established under this chapter independently or in co-
20 operation with a school district, municipality, an agency of the federal
21 government, a nonprofit corporation or association, or the University
22 of Alaska, shall be operated and maintained under regulations prescribed
23 by the board.

24 Sec. 14.41.380. DEFINITIONS. In this chapter

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

27 (2) "chancellor" means the chancellor of the Alaska Community
28 Colleges;

29 (3) "colleges" means the Alaska Community Colleges, including

1 but not limited to the individual community colleges, extension centers
2 and outreach programs established, operated and maintained independently
3 by the board or in cooperation with a municipality, school district,
4 federal agency, nonprofit corporation or association, or the University
5 of Alaska;

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

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

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

16 (7) "service area" means one or more school districts or
17 municipalities, combinations or portions of each or of the unorganized
18 borough, which when combined are considered an educationally serviceable
19 unit for the establishment, operation and maintenance of a community
20 college, an extension center or an outreach program either independently
21 by the Alaska Community Colleges or in cooperation with a municipality,
22 school district, federal agency, nonprofit corporation or association,
23 or the University of Alaska;

24 (8) "services" means programs or facilities that are an
25 adjunct to academic or vocational programs or courses, or that provide
26 aid to faculty, students or community, including but not limited to
27 libraries, counseling and testing, health, media and community services.

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

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

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

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

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

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

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

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

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

1 Sec. 14.40.500. PAYMENT OF SCHOLARSHIPS. Payment of the scholar-
2 ships shall be made monthly to the university or the colleges upon
3 vouchers drawn upon the Department of Administration and duly certified
4 by the treasurer and the president of the Board of Regents or the
5 treasurer and chairman of the Board of Governors. No payments may be
6 made in excess of amounts specifically appropriated for this purpose.

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

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

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

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

1 more than four years, or for more than the number of years necessary to
2 receive a bachelor's degree.

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

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

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

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

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

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

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

24 (MM) Alaska Community Colleges Board of Governors (AS
25 14.41.050).

26 * Sec. 13. TRANSITION: PROPERTY AND FUNDS. Under the direction of the
27 Alaska Commission on Postsecondary Education and in cooperation with the
28 Departments of Administration and Revenue, the Board of Regents of the
29 University of Alaska shall redistribute or transfer all the property, assets

1 and state or federal funds of the University of Alaska relating to the opera-
2 tion, maintenance and support of the community colleges within the university
3 to the Alaska Community Colleges.

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

16 * Sec. 15. TRANSITION: PERSONNEL. All faculty, staff, officers or em-
17 ployees in the community colleges of the University of Alaska, or those
18 statewide or regional faculty, staff, officers or employees of the univer-
19 sity whose functions, powers, duties and responsibilities relate in whole or
20 in the major part to community colleges and who were employed for 1977-1978
21 shall be terminated by the University of Alaska and shall be rehired by the
22 Alaska Community Colleges. The Alaska Commission on Postsecondary Education
23 shall assist those community college faculty, staff, officers or employees of
24 the University of Alaska who are not transferred in finding positions for
25 which they are qualified.

26 * Sec. 16. TRANSITION: EXISTING COMMUNITY COLLEGES, COOPERATIVE AGREE-
27 MENTS. The Board of Governors of the Alaska Community Colleges succeeds the
28 Board of Regents of the University of Alaska as a party to an existing
29 cooperative agreement between the Board of Regents of the University of

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

14 * Sec. 17. TRANSITION: EXISTING PROGRAMS, COURSES AND SERVICES. All
15 programs, courses and services offered by the community colleges of the
16 University of Alaska as of July 1, 1976, shall be transferred to the Alaska
17 Community Colleges.

18 * Sec. 18. This Act takes effect July 1, 1978.
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