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Referred: Health, Education &
Social Services and Finance

BY BUCHHOLDT, PARKER, COTTEN
AND MALONE

1 IN THE HOUSE

2 HOUSE BILL NO. 651

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 * Section 1. PURPOSE. (a) It is the purpose of this Act to establish
10 community colleges, extension centers, and outreach programs as parts of a
11 comprehensive statewide system consisting of degree and nondegree programs of
12 postsecondary and continuing education, established either independently or
13 in cooperation with the governing bodies of school districts or municipali-
14 ties in the state, with an agency of the federal government, or with a non-
15 profit corporation or association, to increase the opportunity for obtaining
16 a postsecondary education in the state.

17 (b) The comprehensive community college statewide system shall include
18 flexible, versatile programs of postsecondary instruction, counseling and
19 advising, job placement, and other activities designed to meet the needs of
20 the area it serves, including but not limited to,

21 (1) courses and curricula that lead to associate degrees or that
22 enable the student to transfer to an institution of higher education granting
23 baccalaureate degrees;

24 (2) occupational education including vocational-technical programs
25 and cooperative education in conjunction with employment in business and
26 industry that enable the student to develop technical skills in a chosen
27 trade or occupation and lead either to a degree or a certificate of com-
28 pletion;

29 (3) general education and public interest courses designed to meet

1 the needs of a community, to enable a person to expand his knowledge, improve
2 the quality of his life, or acquire, change or update a skill that a person
3 lacks or that has become obsolete; and

4 (4) an educational delivery system the principal objective of
5 which is the outreach of the community colleges into rural Alaska through
6 programs of off-campus study and credit and noncredit courses that may or may
7 not lead to associate, baccalaureate or advanced degrees.

8 * Sec. 2. AS 14 is amended by adding a new chapter to read:

9 CHAPTER 42. ALASKA COMMUNITY COLLEGE SYSTEM.

10 ARTICLE 1. GOVERNANCE.

11 Sec. 14.42.010. SYSTEM ESTABLISHED; GENERAL POWERS. There is
12 established a state corporation to be called the Alaska Community Col-
13 lege System.

14 Sec. 14.42.020. BOARD OF TRUSTEES. (a) The system shall be
15 under the control of a Board of Trustees consisting of seven members
16 appointed by the governor, subject to confirmation by a majority of the
17 members of the legislature in joint session.

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

22 (c) Board members shall be appointed as follows:

23 (1) one board member shall be a resident of the First Judi-
24 cial District;

25 (2) two board members shall be residents of the Third Judi-
26 cial District;

27 (3) one board member shall be a resident of the Fourth Judi-
28 cial District;

29 (4) one board member shall be a resident of the Second Judi-

1 cial District;

2 (5) one board member shall be a member of the faculty of a
3 community college, extension center, or outreach program under the
4 Alaska Community College System, appointed under AS 14.42.030;

5 (6) one board member shall be a student enrolled in a col-
6 lege, extension center, or outreach program under the Alaska Community
7 College System, appointed under AS 14.42.040.

8 Sec. 14.42.030. APPOINTMENT OF FACULTY MEMBER. (a) The faculty
9 member of the board shall be appointed by the governor from a list of
10 nominees submitted to him by the Board of Trustees. The list of nom-
11 inees consists of the names of at least three but not more than five
12 full-time community college, extension center, or outreach program
13 faculty members. The faculty members shall be nominated from the full-
14 time faculty of the community colleges, extension centers, and outreach
15 programs in the manner prescribed by the board by regulation.

16 (b) The faculty member appointed under this section shall, at the
17 time of his nomination, be teaching at least nine credit hours each
18 semester, and shall have been a teacher within the Alaska Community
19 College System for at least two academic years.

20 (c) A faculty member appointed under (a) of this section who fails
21 to maintain full-time faculty status during his term forfeits that
22 office. The governor shall appoint a successor from among the list of
23 nominees submitted to him under (a) of this section at the time of
24 original appointment.

25 Sec. 14.42.040. APPOINTMENT OF STUDENT MEMBER. (a) The student
26 member of the board shall be appointed by the governor from a list of
27 nominees consisting of the names of two students from each community
28 college of the system, and one from each extension center or outreach
29 program, after an election is held at each college, center or program

1 site. The elections shall be conducted under regulations adopted by the
2 board.

3 (b) The student board member appointed under this section must

4 (1) have attended one of the community colleges, an extension
5 center, or an outreach program as a full-time student for at least one
6 academic year before appointment; and

7 (2) be enrolled as a full-time student as defined by the
8 academic regulations of the community colleges, extension centers, or
9 outreach programs at the time of appointment.

10 (c) A student board member appointed under (a) of this section who
11 fails to remain enrolled as a full-time student at one of the community
12 colleges, extension centers, or outreach programs during his term for-
13 feits that office. The governor shall appoint a successor from among
14 the list of nominees submitted to him under (a) of this section at the
15 time of original appointment.

16 Sec. 14.42.050. TERM OF OFFICE; VACANCIES. (a) Except for the
17 faculty and student board members, members of the Board of Trustees
18 serve for five-year terms. The terms of the initial appointees shall be
19 staggered in such a manner that the term of office of at least one board
20 member expires each year.

21 (b) The term of office of the faculty board member and of the
22 student board member is two years.

23 (c) Vacancies shall be filled in the same manner as original
24 appointment.

25 Sec. 14.42.060. OFFICERS OF THE BOARD. The chairman, vice-
26 chairman, secretary and other officers that the board considers neces-
27 sary shall be elected from among the members of the board for a one-year
28 term. A member of the board may not serve as chairman for more than two
29 consecutive one-year terms.

1 Sec. 14.42.070. RULES, VOTES REQUIRED. (a) The board shall
2 prescribe its own rules of procedure.

3 (b) A quorum is a majority of the members of the board. The votes
4 of the board members shall be recorded, and effective action requires
5 the affirmative vote of a majority of the board members.

6 (c) A board member may not vote for or on behalf of, or in any way
7 exercise the vote of, another member of the board on a matter before the
8 board.

9 Sec. 14.42.080. MEETINGS. (a) The board shall hold a regular
10 meeting at least once quarterly at a time and place determined by the
11 chairman, and may hold special meetings at other times and places as the
12 chairman or a majority of the members of the board considers necessary.
13 Thirty days notice is required for regular meetings and 10 days notice
14 is required for special meetings of the board, its committees or sub-
15 committees. Emergency meetings may be called without notice.

16 (b) Board meetings shall be held at community college campuses, in
17 rotation, so that the board meets at each community college at least
18 once in five years. The board shall provide adequate facilities for
19 members of the public to attend the meetings of the board, its commit-
20 tees and subcommittees.

21 (c) The provisions of AS 44.62.310 apply to meetings of the board.
22 All meetings of the board, its committees and subcommittees, are open to
23 the public and press except as otherwise provided in AS 44.62.310(c).
24 The findings of an executive session shall be made a part of the record
25 of the proceedings of the board. All records of the meetings and pro-
26 ceedings shall be open to inspection by the public and the press at
27 reasonable times.

28 Sec. 14.42.090. COMPENSATION AND PER DIEM. Members of the board
29 serve without compensation but are entitled to per diem and travel ex-

1 penses as may be authorized by law for boards and commissions.

2 Sec. 14.42.100. POWERS AND DUTIES OF THE BOARD. (a) The board
3 shall

4 (1) appoint the president of the system by a majority vote of
5 all members of the board;

6 (2) fix the compensation of the president, faculty, and other
7 officers and employees of the colleges;

8 (3) adopt bylaws and administrative rules for the management
9 and operation of the community colleges, extension centers, and outreach
10 programs;

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

13 (5) have the care, control, and management of the real and
14 personal property and funds of the system, and keep a complete, accurate
15 record of all funds received and disbursed;

16 (6) keep a complete record of the minutes of every meeting
17 and all acts done by the board in the pursuit of its duties;

18 (7) establish management policies within which the principal
19 campus administrative officers of the community colleges, the extension
20 centers, or outreach programs, and the community college councils manage
21 and control the operation of the community college, extension center, or
22 outreach programs; and

23 (8) meet regularly with the community college councils to
24 determine the needs of each community college, extension center, or
25 outreach program.

26 (b) The board may

27 (1) sue and be sued;

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

29 (3) contract and be contracted with;

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

(5) accept grants or loans from and contract with the federal government, the state, or its political subdivisions, and comply with the provisions of federal, state, or local programs when necessary;

(6) adopt reasonable rules, orders and plans, with reasonable penalties, for the good government of the colleges and for the regulation of the board;

(7) determine and regulate the course of instruction in the colleges with the advice of the president, the principal campus administrative officers, and the community college councils at each community college, extension center or outreach program; and

(8) remove from office an officer or employee of the colleges by a majority vote of all of the members of the board.

ARTICLE 2. ADMINISTRATION.

Sec. 14.42.110. PRESIDENT. (a) The chief executive officer of the board and of the system is the president. His primary responsibility is the administration of the community colleges, extension centers, and outreach programs statewide, working with the principal administrative officers for each community college, extension center, or outreach program.

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

Sec. 14.42.120. POWERS AND DUTIES OF THE PRESIDENT. (a) The president may

(1) appoint the faculty and other officers and employees of each community college, extension center, or outreach program, on recommendation of the principal administrative officer of each;

1 (2) with the approval of the board, delegate the authority to
2 appoint faculty, officers, and employees to the principal administrative
3 officer of each community college, extension center, or outreach pro-
4 gram.

5 (b) The president shall

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

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

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

14 (4) with the principal administrative officers, coordinate
15 the programs and other activities of the system.

16 Sec. 14.42.130. SUSPENSION, EXPULSION OF STUDENTS. The authority
17 to suspend and expel a student for misconduct or other cause or to re-
18 instate him is vested solely in the president. The president may dele-
19 gate this authority to the principal campus administrative officer of
20 each community college.

21 Sec. 14.42.140. CAMPUS ADMINISTRATION. (a) The principal admin-
22 istrative officer for each community college is a chancellor. He is
23 responsible directly to the president and to the community college
24 council for the administration of the community college. Subject to the
25 approval of the board, the chancellor shall be appointed by the presi-
26 dent, on recommendation of the council for the community college which
27 the chancellor will administer.

28 (b) Each extension center or outreach program, whether estab-
29 lished, operated or maintained by the board, or in cooperation with the

1 Board of Regents of the University of Alaska, another university, a
2 school district, municipality, an agency of the federal government or a
3 nonprofit corporation or association, is under the direction of an
4 administrator appointed by the president in the manner prescribed by the
5 board by regulation, or as prescribed in the cooperative agreement.

6 Sec. 14.42.150. SERVICE ORGANIZATIONS. The board may establish
7 statewide or central service organizations for the community colleges,
8 extension centers, and outreach programs. Regional service centers also
9 may be established to administer the outreach programs and to provide
10 postsecondary educational services to the residents of the rural areas
11 of the state in each area for which a regional center is established.
12 In an area where a community college or an extension center is located,
13 the regional service center shall be integrated with the operation of
14 the community college or extension center.

15 Sec. 14.42.160. FACULTY; COURSE OF INSTRUCTION. (a) Full-time
16 members of the faculty and administrative staff of each community col-
17 lege, extension center, and outreach program are members of the faculty
18 and administrative staff, respectively, of the Alaska Community College
19 System for all purposes.

20 (b) The president 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 (c) A community college, extension center, or outreach program may
24 coordinate and facilitate all public postsecondary and continuing edu-
25 cation in the area it serves. Selected upper division and graduate
26 courses offered by the University of Alaska or other universities
27 through various divisions may be coordinated through the principal
28 administrative officer of a community college, extension center, or an
29 outreach program.

1 Sec. 14.42.170. COMMUNITY COLLEGE COUNCIL. (a) A community
2 college council shall be established for each community college. The
3 majority of the members of a community council shall be persons served
4 by the programs developed and administered under this chapter. The
5 council shall consist of not less than seven or more than 15 members who
6 shall be broadly representative of the area served, including faculty
7 and student representation and a representative of the city or borough
8 school district or regional educational attendance area. The board may
9 appoint a council for an extension center and for each regional service
10 center, when the center is not integrated with a community college or
11 extension center.

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

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

22 (d) The provisions of AS 14.42.080(c) and AS 44.62.310 apply to
23 meetings of community college councils in the same manner and to the
24 same extent applicable to meetings of the board, its committees and
25 subcommittees.

26 (e) A community college council acts

27 (1) in a policy-making capacity with respect to the chancel-
28 lor of each community college, coordinator of an extension center, or
29 administrator of an outreach program;

1 (2) in an advisory capacity to the president and to the
2 board.

3 (f) A community college council shall review and make recommenda-
4 tions

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

7 (2) concerning the proposed program budget for the community
8 college, extension center, or outreach program for each fiscal year
9 before it is submitted to the statewide administration and to the board;
10 and

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

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

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

20 (C) the means of gaining support for the program of the
21 community college, extension center, or outreach program in that
22 area.

23 ARTICLE 3. ESTABLISHMENT OF COMMUNITY COLLEGES.

24 Sec. 14.42.180. ESTABLISHMENT. (a) A community college or an
25 extension center may be established by the board only in accordance with
26 the minimum criteria established by AS 14.42.190 - 14.42.200, as supple-
27 mented by the board by regulation.

28 (b) The establishment of a community college or an extension
29 center may be proposed by

- 1 (1) the governing body of a municipality, or a school dis-
2 trict;
- 3 (2) petition of interested citizens in the community or area
4 to be served;
- 5 (3) a nonprofit corporation or association;
- 6 (4) the Alaska Commission on Postsecondary Education or the
7 state advisory council on community colleges created under AS 14.40.-
8 901 - 14.40.915;
- 9 (5) the legislature by concurrent resolution; or
- 10 (6) the board.

11 Sec. 14.42.190. FEASIBILITY STUDY. (a) A new community college
12 or a new extension center may not be established until a feasibility
13 study as to the need for its establishment in the community or area to
14 be served has been completed either as directed by the board, or by a
15 proponent under AS 14.42.180(b), and approved by the board. The feasi-
16 bility study shall be submitted to the legislature and to the Alaska
17 Commission on Postsecondary Education.

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

20 (1) an analysis of the population and educational needs of
21 the municipality, school district or area in which the proposed com-
22 munity college is to be located;

23 (2) a description of the area to be served by the proposed
24 community college;

25 (3) estimated and projected enrollment;

26 (4) proposed core faculty and administrative staffing;

27 (5) a proposed budget for the initial fiscal year of opera-
28 tion together with a statement of sources of financial support required
29 for core faculty and administrative staff, curriculum and other programs

1 and activities, and physical facilities;

2 (6) a plan for citizen involvement through a community col-
3 lege council established under AS 14.42.170; and

4 (7) a proposed agreement with the school district, munici-
5 pality or federal agency or a nonprofit corporation or association under
6 AS 14.42.210.

7 Sec. 14.42.200. EXTENSION CENTERS, OUTREACH PROGRAMS. If in any
8 community where a community college has been proposed the level of
9 demand for postsecondary and continuing education as determined by the
10 feasibility study required under AS 14.40.190(a) is more limited than
11 that required for the establishment of a comprehensive community college
12 program, the board may establish an extension center or an outreach
13 program either independently or in cooperation with the University of
14 Alaska, another university, a school district, a municipality, a non-
15 profit corporation or association, or an agency of the federal govern-
16 ment.

17 Sec. 14.42.210. RELATIONSHIP WITH SCHOOL DISTRICT, MUNICIPALITY,
18 FEDERAL AGENCY. (a) A community college may establish, operate and
19 maintain, or enter into a cooperative agreement with an agency of the
20 federal government, a school district, a municipality, or a nonprofit
21 corporation or association for the establishment, operation and main-
22 tenance of, appropriate public postsecondary and continuing educational
23 programs and activities in community colleges, extension centers, out-
24 reach program, or by other means. An agreement entered into under this
25 section shall include, but is not limited to,

26 (1) recognition that complete operational authority resides
27 with the community college, extension center or outreach program, sub-
28 ject to periodic reviews by the cooperating school district, munici-
29 pality, federal agency, nonprofit corporation or association, or the

1 participating university, and appropriate reports to ensure program
2 description and effective cross-utilization of facilities;

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

5 (3) provision that local funding, in addition to student fees
6 or in-kind contributions, may be provided for support of general educa-
7 tion courses or secondary school-related courses as the school district,
8 municipality, federal agency, nonprofit corporation or association, or
9 the participating university considers appropriate; and

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

11 (b) If separate facilities are financed, constructed or maintained
12 from federal, state or private funds for programs and activities of the
13 community college, extension center, or outreach program, the board has
14 title to and control of the separate facilities used for these purposes.
15 If separate facilities are financed, constructed or maintained from
16 school district, municipality, or nonprofit corporation or association
17 funds for community college or extension center or outreach programs and
18 activities, the school district, municipality or nonprofit corporation
19 or association has title to and control of the separate facilities used
20 for these purposes.

21 Sec. 14.42.220. EXPANSION OF COURSES. The board shall

22 (1) make a continuing study of the feasibility of expanding
23 the system of community colleges, extension centers, and outreach pro-
24 grams in accordance with the criteria set out in AS 14.42.190(b);

25 (2) establish additional extension courses, outreach pro-
26 grams, and other accredited courses for students as it considers ad-
27 visable in accordance with the procedures set out in AS 14.42.180 -
28 14.42.200;

29 (3) take all appropriate measures to implement this section

1 and to insure that community colleges offer comprehensive instructional
2 programs.

3 ARTICLE 4. FINANCE; FISCAL AND PROPERTY MANAGEMENT.

4 Sec. 14.42.230. FINANCE. (a) The board shall prepare a complete
5 program budget for each community college, extension center, and out-
6 reach program including all courses, programs and activities regardless
7 of the source of funding, including but not limited to funds from fees,
8 grants, contracts, agreements, bequests, gifts, trusts, or endowments.

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

12 Sec. 14.42.240. PROPERTY AND FUNDS GENERALLY. (a) Except as
13 otherwise provided in this chapter, the system shall hold and manage all
14 property acquired by it. The Department of Administration, at the
15 request of the board, signed by its chairman and secretary, shall pay to
16 the treasurer of the board all federal land grant college funds received
17 by the department and subject to requisition by the board.

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

26 Sec. 14.42.250. TRUST POSITION OF BOARD. The board may receive,
27 manage, and invest in any manner money or other property received from
28 sources other than the state legislature or federal appropriation for
29 the purpose of the system, its improvement or adornment, or the aid or

1 advantage of students or faculty, and, in general, may act as trustee on
2 behalf of the system for any of these purposes.

3 Sec. 14.42.260. ENDOWMENTS AND DONATIONS. Monetary gifts, be-
4 quests or endowments which are made to the system for the purpose of the
5 separate trust fund created under AS 14.40.400 shall be transferred from
6 the fund to the Department of Revenue. The Department of Revenue shall
7 manage that money in accordance with AS 14.40.400. Title to and control
8 or possession of land, personal property, and all money other than that
9 transferred to the Department of Revenue, which is devised, bequeathed
10 or given to the system, shall be taken by the system in its corporate
11 capacity acting by and through the board, or its authorized agent, and
12 shall be entered in the perpetual inventory of the system.

13 Sec. 14.42.270. INVENTORY OF PROPERTY. The board shall maintain a
14 perpetual inventory of all permanent property of the system.

15 Sec. 14.42.280. APPLICABILITY OF FISCAL PROCEDURES ACT. The com-
16 petitive bid practices set out in AS 37.05.230 apply to the system,
17 except that the provisions of AS 37.05 do not apply in those cases where
18 the work is to be performed substantially by students enrolled in the
19 system.

20 Sec. 14.42.290. WORKING CAPITAL RESERVE FUND. (a) There is
21 established in the treasury of the system a working capital reserve
22 fund. The fund consists of money appropriated by the legislature for
23 the purpose of completion of capital projects for the system and is not
24 available for other use by the board.

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

28 Sec. 14.42.300. APPLICABILITY OF CERTAIN FEDERAL LAWS. The pro-
29 visions of AS 14.40.350 - 14.40.450 apply to the system in the same

1 manner they apply to the University of Alaska, to the extent the corpora-
2 tion is considered the successor to the University of Alaska as a land
3 grant college, or for any other purpose, as a beneficiary of federal
4 grants of land or money under AS 14.40.350 -14.40.450.

5 ARTICLE 5. GENERAL PROVISIONS.

6 Sec. 14.42.310. PROHIBITIONS. (a) A person may not be deprived
7 of the privileges or services of the system because of age, sex, color
8 or nationality.

9 (b) Instruction which is sectarian in religion or politically
10 partisan may not be given in any department of the colleges. Sectarian
11 or partisan tests may not be employed or applied in the appointment of
12 board or council members, faculty, or other officers or employees of the
13 system, or in the admission of students or for any purposes.

14 Sec. 14.42.320. JOINT USE OF FACILITIES REQUIRED. (a) When the
15 campuses of a community college, extension center, or outreach program
16 and the University of Alaska are contiguous, adjacent or reasonably
17 close to one another, or if, on the effective date of this Act, a com-
18 munity college constituting a part of the University of Alaska shared or
19 jointly used the same buildings and other facilities as other colleges,
20 departments, divisions, institutes, or other units of the University of
21 Alaska, the shared or joint use of these facilities shall be continued
22 after the effective date of this Act. The board of the system and the
23 Board of Regents of the University of Alaska shall enter into a con-
24 tract, consortium or other cooperative agreement for the continued
25 sharing or joint use of these buildings or facilities, including the
26 cost of their construction, operation and maintenance.

27 (b) When new buildings or facilities are required by either the
28 system or the university, and a proximate physical location of the
29 campuses of the two institutions exists or would come into existence by

1 virtue of the location and construction of these buildings or facili-
2 ties, the two boards shall enter into a contract, consortium or other
3 cooperative agreement for the sharing or joint use of these buildings or
4 facilities, including the cost of their construction, operation and
5 maintenance.

6 (c) For purposes of this section, "buildings or facilities" in-
7 cludes, but is not limited to, libraries, gymnasiums or other athletic
8 facilities, auditoriums, cafeterias, residence halls, dormitories or
9 other student living accommodations, laboratories, classrooms, offices,
10 parking structures, landscaping, roads, utilities, and other buildings
11 or structures used for the operation and maintenance of an institution
12 of higher education.

13 Sec. 14.42.330. LIBRARY SERVICES. Libraries shall be established
14 on each community college campus and, when feasible, for an extension
15 center or outreach program. Library services shall be made available,
16 and the library facility shall be open, to the community or area served
17 by the community college.

18 Sec. 14.42.340. REPORT TO THE GOVERNOR, LEGISLATURE. The board
19 shall make a written report to the governor and to the legislature at
20 the beginning of its regular sessions of the condition of the system's
21 property, of all receipts and expenditures, including but not limited to
22 the management of trust funds, administration and disposition of appro-
23 priated and restricted funds, and of the educational and other work
24 performed.

25 Sec. 14.42.350. REGULATIONS. A community college, an extension
26 center, an outreach program, or a service center established under this
27 chapter independently or in cooperation with a school district, muni-
28 cipality, an agency of the federal government, a nonprofit corporation
29 or association, or the University of Alaska, shall be operated and

1 maintained under regulations prescribed by the board.

2 Sec. 14.42.360. DEFINITIONS. In this chapter

3 (1) "board" means the Board of Trustees of the Alaska Com-
4 munity College System;

5 (2) "council" means a community college council appointed for
6 an individual community college or extension center;

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

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

15 (5) "president" means the president of the Alaska Community
16 College System;

17 (6) "services" means programs or facilities that are an
18 adjunct to academic or vocational programs or courses, or that provide
19 aid to faculty, students or community, including but not limited to
20 libraries, counseling and testing, health, media and community services;

21 (7) "system" means the Alaska Community College System.

22 Sec. 14.42.370. SHORT TITLE. This chapter may be cited as the
23 Alaska Community College System Act.

24 * Sec. 3. AS 14.40.400(a) is amended to read:

25 (a) The Department of Revenue shall establish a separate fund in
26 which all money derived from the sale or lease of the lands granted
27 under the Act of Congress approved January 21, 1929, and in which all
28 monetary gifts, bequests or endowments made to the university and to
29 the Alaska Community College System for the purpose of the fund, shall

1 be held in trust.

2 * Sec. 4. AS 14.40.400(c) is amended to read:

3 (c) The income from the trust fund shall be used exclusively for
4 the Agricultural College and School of Mines as integrated parts of
5 the University of Alaska, and for comparable programs of the Alaska
6 Community College System.

7 * Sec. 5. AS 14.40.400(e) is amended to read:

8 (e) The Department of Administration shall disburse the income
9 from the trust fund upon vouchers approved by the president and treas-
10 urer of the university or by the president and treasurer of the Alaska
11 Community College System, as applicable, specifying the purpose for
12 which the money is to be used and showing it is to be used in conformity
13 with this section.

14 * Sec. 6. AS 14.40.460 is amended to read:

15 Sec. 14.40.460. STUDENTS ENTITLED TO SCHOLARSHIP. The high school
16 student in each graduating class in each high school in the state who,
17 upon the completion of four years of high school work in a high school
18 in the state, obtains the highest average standing for all the credits
19 earned, and who is graduated at an annual commencement is entitled to
20 receive, during dormitory residence at the University of Alaska or a
21 community college, a scholarship covering dormitory rent for a period of
22 two years following the year of graduation upon presenting to the regis-
23 trar of the university or of the Alaska Community College System a
24 certificate signed by the superintendent or principal of the high school
25 from which he graduated stating that the graduate named is entitled to
26 receive the benefits of the scholarship. Dormitory residence is
27 governed by [THE RULES AND] regulations established by the Board of
28 Regents or the Board of Trustees.

29 * Sec. 7. AS 14.40.480 is amended to read:

1 Sec. 14.40.480. APPLICATIONS FOR AND ISSUANCE AND REPORT OF CERTI-
2 FICATES. A certificate shall be applied for and issued to a graduate
3 before August 2 of each year and shall be reported immediately to the
4 registrar of the university or of the Alaska Community College System by
5 the superintendent or principal issuing it.

6 * Sec. 8. AS 14.40.490 is amended to read:

7 Sec. 14.40.490. FORFEITURE OF SCHOLARSHIP BENEFITS. Failure to do
8 passing work in more than one subject during a semester, or withdrawal
9 or expulsion from the university or a community college constitutes a
10 forfeiture during the following semester or semesters of the benefits of
11 AS 14.40.460 and 14.40.470.

12 * Sec. 9. AS 14.40.500 is amended to read:

13 Sec. 14.40.500. PAYMENT OF SCHOLARSHIPS. Payment of the scholar-
14 ships shall be made monthly to the university or the community colleges
15 upon vouchers drawn upon the Department of Administration and duly
16 certified by the treasurer and the president of the Board of Regents
17 or the treasurer and chairman of the Board of Trustees. No payments may
18 be made in excess of amounts specifically appropriated for this purpose.

19 * Sec. 10. AS 14.40.520 is amended to read:

20 Sec. 14.40.520. SCHOLARSHIPS. The Board of Regents of the Univer-
21 sity of Alaska and the Board of Trustees of the Alaska Community
22 College System shall offer not more than 15 new scholarships for each
23 academic year to Alaska Natives desiring to attend the University of
24 Alaska or the community colleges. The boards [BOARD] shall give pre-
25 ference to Natives residing in the rural areas of the state who desire
26 to receive training in the field of education. If there are more than
27 15 applications the boards [BOARD] shall award 15 scholarships to those
28 applicants who have the highest scholastic record or who the boards
29 determine [BOARD DETERMINES] are the most qualified among the applicants

1 and who are financially unable to obtain a higher education without
2 assistance. The university and the community colleges shall provide
3 such minimum financial assistance to these students as is necessary in
4 each individual case, but not exceeding fees, board and room.

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

6 Sec. 14.40.530. CONTINUATION OF SCHOLARSHIPS. The award of free
7 room and board shall be made from any funds available to the university
8 or the community colleges. Each Native who receives a scholarship under
9 AS 14.40.510 - 14.40.550 is entitled to retain the scholarship and to
10 receive free room and board during his attendance at the university
11 or a community college as long as he maintains a grade average equiva-
12 lent to a "C" or better. However, no Native is entitled to the scholar-
13 ship for more than four years, or for more than the number of years
14 necessary to receive a bachelor's degree.

15 * Sec. 12. AS 14.40.903(a)(6) is repealed and re-enacted to read:

16 (6) two members of the Board of Trustees of the Alaska
17 Community College System designated by the members of that body; and, if
18 the state advisory council on community colleges is a separate and
19 distinct entity from the Board of Trustees, one member of that council
20 designated by its members;

21 * Sec. 13. AS 14.40.909(b)(2) is amended to read:

22 (2) establish a state advisory council on community colleges
23 and develop a comprehensive statewide plan for the expansion and im-
24 provement of the community colleges under sec. 1001 of Title X of the
25 Higher Education Act of 1965, as amended by the Education Amendments of
26 1972 (PL 92-318, sec. 186; 86 Stat. 312, 313); however, to avoid the
27 establishment of duplicate agencies, the commission may designate the
28 Board of Trustees of the Alaska Community College System as the state
29 Advisory Council on Community Colleges if the composition of the board's

1 membership meets the requirements of applicable federal law or regula-
2 tion;

3 * Sec. 14. AS 37.05 is amended by adding a new section to read:

4 Sec. 37.05.307. APPLICABILITY TO ALASKA COMMUNITY COLLEGE SYSTEM.

5 The commissioner of administration may delegate the performance of the
6 functions under this chapter as they relate to the Alaska Community
7 College System to the Board of Trustees of the Alaska Community College
8 System and set out the criteria and guidelines which shall be followed.

9 * Sec. 15. AS 39.25.110(7) is amended to read:

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

12 * Sec. 16. AS 39.50.200(9) is amended by adding a new paragraph to read:

13 (55) Alaska Community College System Board of Trustees (AS 14.
14 42.020).

15 * Sec. 17. AS 14.40.560 - 14.40.640 are repealed.

16 * Sec. 18. TRANSITION. (a) Under the direction of the Alaska Commission
17 on Postsecondary Education and in cooperation with the Department of Ad-
18 ministration and the Department of Revenue, the Board of Regents of the
19 University of Alaska shall redistribute or transfer the property, assets and
20 state or federal funds of the University of Alaska relating to the operation,
21 maintenance and support of the community colleges within the university to
22 the Alaska Community College System.

23 (b) Litigation, hearings, investigations and other proceedings pending
24 under a law amended for functions which may be transferred by this Act con-
25 tinue in effect and may be continued and completed notwithstanding a transfer
26 or amendment provided for in this Act. Certificates, orders, rules or regu-
27 lations issued or filed under authority of a law amended by this Act or
28 functions which may be transferred by this Act, remain in effect for the term
29 issued, unless revoked, vacated, or otherwise modified under the provisions

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

5 (c) Faculty, staff, officers or employees in the community colleges of
6 the University of Alaska, or those statewide or regional faculty, staff,
7 officers or employees of the university whose functions, powers, duties and
8 responsibilities relate in whole or in the major part to community colleges
9 and who were employed for 1979-1980 shall be terminated by the University of
10 Alaska and shall be rehired by the Alaska Community College System. The
11 Alaska Commission on Postsecondary Education shall assist those community
12 college faculty, staff, officers or employees of the University of Alaska who
13 are not transferred in finding positions for which they are qualified.

14 (d) The Board of Trustees of the Alaska Community College System
15 succeeds the Board of Regents of the University of Alaska as a party to an
16 existing cooperative agreement between the Board of Regents of the University
17 of Alaska and a school district, municipality, or an agency of the federal
18 government, or a nonprofit corporation or association with respect to the
19 establishment, operation and maintenance of a community college or an exten-
20 sion center. That agreement in effect on the effective date of this Act
21 shall remain in effect until its agreed expiration and may be modified or
22 extended by mutual agreement unless, before the agreed expiration, it is
23 mutually cancelled by the contracting parties in accordance with law.

24 (e) Programs, courses and services offered by the community colleges of
25 the University of Alaska as of July 1, 1980, shall be transferred to the
26 Alaska Community College System.

27 * Sec. 19. APPOINTMENT OF INITIAL FACULTY AND STUDENT MEMBERS. (a) Not-
28 withstanding AS 14.42.030, enacted by sec. 2 of this Act, the governor may
29 appoint the initial member of the Board of Trustees from among the full-time

1 members of the faculty of the Alaska Community College System without regard
2 to prior nomination by the Board of Trustees. The faculty member serves the
3 term provided in AS 14.42.050(b).

4 (b) Notwithstanding AS 14.42.040(a), enacted by sec. 2 of this Act, the
5 governor may appoint the initial member of the Board of Trustees from among
6 the full-time students of the Alaska Community College System qualified under
7 AS 14.42.040(b) without regard to prior nomination by election. The student
8 member serves the term provided in AS 14.42.050(b).

9 * Sec. 20. This Act takes effect July 1, 1980.

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