

Introduced: 2/18/80  
Referred: Health, Education  
& Social Services and  
Finance

BY HOHMAN AND STIMSON

1 IN THE SENATE

2 SENATE BILL NO. 483

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 is two years  
22 and of the student board member is one year.

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

25 (d) If a member of the board fails to attend three or more con-  
26 secutive regular meetings of the board, he may be removed by the gover-  
27 nor.

28 Sec. 14.42.060. OFFICERS OF THE BOARD. The chairman, vice-  
29 chairman, secretary and other officers that the board considers neces-

1 sary shall be elected from among the members of the board for a one-year  
2 term. A member of the board may not serve as chairman for more than two  
3 consecutive one-year terms.

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

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

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

12 Sec. 14.42.080. MEETINGS. (a) The board shall hold a regular  
13 meeting at least once quarterly at a time and place determined by the  
14 chairman, and may hold special meetings at other times and places as the  
15 chairman or a majority of the members of the board considers necessary.  
16 Thirty days notice is required for regular meetings and 10 days notice  
17 is required for special meetings of the board, its committees or sub-  
18 committees. Emergency meetings may be called with 24 hours notice.

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

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

1 reasonable times.

2 Sec. 14.42.090. COMPENSATION AND PER DIEM. Members of the board  
3 serve without compensation but are entitled to per diem and travel ex-  
4 penses as may be authorized by law for boards and commissions.

5 Sec. 14.42.100. POWERS AND DUTIES OF THE BOARD. (a) The board  
6 shall

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

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

11 (3) adopt bylaws and administrative rules for the management  
12 and operation of the community colleges, extension centers, and outreach  
13 programs;

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

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

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

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

26 (8) meet regularly with the community college councils to  
27 determine the needs of each community college, extension center, or  
28 outreach program.

29 (b) The board may

- 1 (1) sue and be sued;
- 2 (2) receive, hold and manage real and personal property in
- 3 the name of the corporation;
- 4 (3) contract and be contracted with;
- 5 (4) adopt, use and alter a corporate seal;
- 6 (5) accept grants or loans from and contract with the federal
- 7 government, the state, or its political subdivisions, and comply with
- 8 the provisions of federal, state, or local programs when necessary;
- 9 (6) adopt reasonable rules, orders and plans, with reasonable
- 10 penalties, for the good government of the colleges and for the regula-
- 11 tion of the board;
- 12 (7) determine and regulate the course of instruction in the
- 13 colleges with the advice of the president, the principal campus admin-
- 14 istrative officers, and the community college councils at each community
- 15 college, extension center or outreach program; and
- 16 (8) remove from office an officer or employee of the colleges
- 17 by a majority vote of all of the members of the board.

18 ARTICLE 2. ADMINISTRATION.

19 Sec. 14.42.110. PRESIDENT. (a) The chief executive officer of

20 the board and of the system is the president. The president serves at

21 the pleasure of the board. His primary responsibility is the adminis-

22 tration of the community colleges, extension centers, and outreach

23 programs statewide, working with the principal administrative officers

24 for each community college, extension center, or outreach program.

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

26 on-campus programs for the community colleges and extension centers, the

27 president shall develop and administer off-campus educational delivery

28 systems and outreach programs for rural areas of the state.

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

1 president may

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

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

9 (b) The president shall

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

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

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

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

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

25 Sec. 14.42.140. CAMPUS ADMINISTRATION. (a) The principal admin-  
26 istrative officer for each community college is a chancellor. He is  
27 responsible directly to the president and to the community college  
28 council for the administration of the community college. Subject to the  
29 approval of the board, the chancellor shall be appointed by the presi-

1 dent, on recommendation of the council for the community college which  
2 the chancellor will administer.

3 (b) Each extension center or outreach program, whether estab-  
4 lished, operated or maintained by the board, or in cooperation with the  
5 Board of Regents of the University of Alaska, another university, a  
6 school district, municipality, an agency of the federal government or a  
7 nonprofit corporation or association, is under the direction of an  
8 administrator appointed by the president in the manner prescribed by the  
9 board by regulation, or as prescribed in the cooperative agreement  
10 entered into under AS 14.42.210.

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

20 Sec. 14.42.160. FACULTY; COURSE OF INSTRUCTION. (a) Full-time  
21 members of the faculty and administrative staff of each community col-  
22 lege, extension center, and outreach program are members of the faculty  
23 and administrative staff, respectively, of the Alaska Community College  
24 System for all purposes.

25 (b) The president is responsible for prescribing the qualifi-  
26 cations, and for establishing the procedure for appointment, of all  
27 community college and extension center faculty and administrative staff.

28 (c) A community college, extension center, or outreach program may  
29 coordinate and facilitate all public postsecondary and continuing edu-

1 cation in the area it serves. Selected upper division and graduate  
2 courses offered by the University of Alaska or other universities  
3 through various divisions may be coordinated through the principal  
4 administrative officer of a community college, extension center, or an  
5 outreach program.

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

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

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

27 (d) The provisions of AS 14.42.080(c) and AS 44.62.310 apply to  
28 meetings of community college councils in the same manner and to the  
29 same extent applicable to meetings of the board, its committees and

1 subcommittees.

2 (e) A community college council acts

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

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

8 (f) A community college council shall review and make recommenda-  
9 tions

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

12 (2) concerning the proposed program budget for the community  
13 college, extension center, or outreach program for each fiscal year  
14 before it is submitted to the statewide administration and to the board;  
15 and

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

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

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

25 (C) the means of gaining support for the program of the  
26 community college, extension center, or outreach program in that  
27 area.

28 **ARTICLE 3. ESTABLISHMENT OF COMMUNITY COLLEGES.**

29 **Sec. 14.42.180. ESTABLISHMENT.** (a) A community college or an

1 extension center may be established by the board only in accordance with  
2 the minimum criteria established by AS 14.42.190 - 14.42.200, as supple-  
3 mented by the board by regulation.

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

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

8 (2) petition of interested citizens in the community or area  
9 to be served;

10 (3) a nonprofit corporation or association;

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

14 (5) the legislature by concurrent resolution; or

15 (6) the board.

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

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

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

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

- 1 (3) estimated and projected enrollment;
- 2 (4) proposed core faculty and administrative staffing;
- 3 (5) a proposed budget for the initial fiscal year of opera-
- 4 tion together with a statement of sources of financial support required
- 5 for core faculty and administrative staff, curriculum and other programs
- 6 and activities, and physical facilities;
- 7 (6) a plan for citizen involvement through a community col-
- 8 lege council established under AS 14.42.170; and
- 9 (7) a proposed agreement with the school district, munici-
- 10 pality or federal agency or a nonprofit corporation or association under
- 11 AS 14.42.210.

12 Sec. 14.42.200. EXTENSION CENTERS, OUTREACH PROGRAMS. If in any

13 community where a community college has been proposed the level of

14 demand for postsecondary and continuing education as determined by the

15 feasibility study required under AS 14.40.190(a) is more limited than

16 that required for the establishment of a comprehensive community college

17 program, the board may establish an extension center or an outreach

18 program either independently or in cooperation with the University of

19 Alaska, another university, a school district, a municipality, a non-

20 profit corporation or association, or an agency of the federal govern-

21 ment.

22 Sec. 14.42.210. RELATIONSHIP WITH SCHOOL DISTRICT, MUNICIPALITY,

23 FEDERAL AGENCY. (a) A community college may establish, operate and

24 maintain, or enter into a cooperative agreement with an agency of the

25 federal government, a school district, a municipality, or a nonprofit

26 corporation or association for the establishment, operation and main-

27 tenance of, appropriate public postsecondary and continuing educational

28 programs and activities in community colleges, extension centers, out-

29 reach program, or by other means. An agreement entered into under this

1 section shall include, but is not limited to,

2 (1) recognition that complete operational authority resides  
3 with the community college, extension center or outreach program, sub-  
4 ject to periodic reviews by the cooperating school district, munici-  
5 pality, federal agency, nonprofit corporation or association, or the  
6 participating university, and appropriate reports to ensure program  
7 description and effective cross-utilization of facilities;

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

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

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

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

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

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

1 (2) establish additional extension courses, outreach pro-  
2 grams, and other accredited courses for students as it considers ad-  
3 visable in accordance with the procedures set out in AS 14.42.180 -  
4 14.42.200;

5 (3) take all appropriate measures to implement this section  
6 and to insure that community colleges offer comprehensive instructional  
7 programs.

8 ARTICLE 4. FINANCE; FISCAL AND PROPERTY MANAGEMENT.

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

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

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

23 (b) All funds appropriated by the legislature for the establish-  
24 ment, and support of the system, including the construction, operation,  
25 and maintenance of its facilities, shall, at the request of the board  
26 signed by its chairman and secretary, be paid by the Department of  
27 Administration to the treasurer of the board. The treasurer of the  
28 board shall disburse these funds on properly drawn vouchers signed by  
29 its chairman and secretary, or by the administrative officer of the

1 system to whom the board delegates the performances of this function.

2 Sec. 14.42.250. TRUST POSITION OF BOARD. The board may receive,  
3 manage, and invest in any manner money or other property received from  
4 sources other than the state legislature or federal appropriation for  
5 the purpose of the system, its improvement or adornment, or the aid or  
6 advantage of students or faculty, and, in general, may act as trustee on  
7 behalf of the system for any of these purposes.

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

18 Sec. 14.42.270. INVENTORY OF PROPERTY. The board shall maintain a  
19 perpetual inventory of all real and personal property owned or leased by  
20 the system, or in which the system has an interest.

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

26 Sec. 14.42.290. WORKING CAPITAL RESERVE FUND. (a) There is  
27 established in the treasury of the system a working capital reserve  
28 fund. The fund consists of money appropriated by the legislature for  
29 the purpose of completion of capital projects for the system and is not

1 available for other use by the board.

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

5 Sec. 14.42.300. APPLICABILITY OF CERTAIN FEDERAL LAWS. The pro-  
6 visions of AS 14.40.350 - 14.40.450 apply to the system in the same  
7 manner they apply to the University of Alaska, to the extent the corpora-  
8 tion is considered the successor to the University of Alaska as a land  
9 grant college, or for any other purpose, as a beneficiary of federal  
10 grants of land or money under AS 14.40.350 -14.40.450.

11 ARTICLE 5. GENERAL PROVISIONS.

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

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

20 Sec. 14.42.320. JOINT USE OF FACILITIES REQUIRED. (a) When the  
21 campuses of a community college, extension center, or outreach program  
22 and the University of Alaska are contiguous, adjacent or reasonably  
23 close to one another, or if, on the effective date of this Act, a com-  
24 munity college constituting a part of the University of Alaska shared or  
25 jointly used the same buildings and other facilities as other colleges,  
26 departments, divisions, institutes, or other units of the University of  
27 Alaska, the shared or joint use of these facilities shall be continued  
28 after the effective date of this Act. The board of the system and the  
29 Board of Regents of the University of Alaska shall enter into a con-

1 tract, consortium or other cooperative agreement for the continued  
2 sharing or joint use of these buildings or facilities, including the  
3 cost of their construction, operation and maintenance.

4 (b) When new buildings or facilities are required by either the  
6 system or the university, and a proximate physical location of the  
6 campuses of the two institutions exists or would come into existence by  
7 virtue of the location and construction of these buildings or facili-  
8 ties, the two boards shall enter into a contract, consortium or other  
9 cooperative agreement for the sharing or joint use of these buildings or  
10 facilities, including the cost of their construction, operation and  
11 maintenance.

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

19 Sec. 14.42.330. LIBRARY SERVICES. Libraries shall be established  
20 on each community college campus and, when feasible, for an extension  
21 center or outreach program. Library services shall be made available,  
22 and the library facility shall be open, to the community or area served  
23 by the community college.

24 Sec. 14.42.340. REPORT TO THE GOVERNOR, LEGISLATURE. The board  
25 shall make a written report to the governor and to the legislature at  
26 the beginning of each regular session of the condition of the system's  
27 property, of all receipts and expenditures, including but not limited to  
28 the management of trust funds, administration and disposition of appro-  
29 priated and restricted funds, and of the educational and other work

1 performed.

2 Sec. 14.42.350. REGULATIONS. A community college, an extension  
3 center, an outreach program, or a service center established under this  
4 chapter independently or in cooperation with a school district, muni-  
5 cipality, an agency of the federal government, a nonprofit corporation  
6 or association, or the University of Alaska, shall be operated and  
7 maintained under regulations prescribed by the board.

8 Sec. 14.42.360. DEFINITIONS. In this chapter

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

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

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

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

21 (5) "president" means the president of the Alaska Community  
22 College System;

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

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

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

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

2 (a) The Department of Revenue shall establish a separate fund in  
3 which all money derived from the sale or lease of the lands granted  
4 under the Act of Congress approved January 21, 1929, and in which all  
5 monetary gifts, bequests or endowments made to the university and to  
6 the Alaska Community College System for the purpose of the fund, shall  
7 be held in trust.

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

9 (c) The income from the trust fund shall be used exclusively for  
10 the Agricultural College and School of Mines as integrated parts of  
11 the University of Alaska, and for comparable programs of the Alaska  
12 Community College System.

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

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

20 \* Sec. 6. AS 14.40.460 is amended to read:

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

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

6 \* Sec. 7. AS 14.40.480 is amended to read:

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

12 \* Sec. 8. AS 14.40.490 is amended to read:

13 Sec. 14.40.490. FORFEITURE OF SCHOLARSHIP BENEFITS. Failure to do  
14 passing work in more than one subject during a semester, or withdrawal  
15 or expulsion from the university or a community college constitutes a  
16 forfeiture during the following semester or semesters of the benefits of  
17 AS 14.40.460 and 14.40.470.

18 \* Sec. 9. AS 14.40.500 is amended to read:

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

25 \* Sec. 10. AS 14.40.520 is amended to read:

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

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

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

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

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

22 (6) two members of the Board of Trustees of the Alaska  
23 Community College System designated by the members of that body; and, if  
24 the state advisory council on community colleges is a separate and  
25 distinct entity from the Board of Trustees, one member of that council  
26 designated by its members;

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

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

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

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

10                    Sec. 37.05.307. APPLICABILITY TO ALASKA COMMUNITY COLLEGE SYSTEM.  
11           The commissioner of administration may delegate the performance of the  
12           functions under this chapter as they relate to the Alaska Community  
13           College System to the Board of Trustees of the Alaska Community College  
14           System and set out the criteria and guidelines which shall be followed.

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

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

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

19                    (55) Alaska Community College System Board of Trustees (AS 14.-  
20           42.020).

21           \* Sec. 17. AS 14.40.560 - 14.40.640 are repealed.

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

29                    (b) Litigation, hearings, investigations and other proceedings pending

1 under a law amended for functions which may be transferred by this Act con-  
2 tinue in effect and may be continued and completed notwithstanding a transfer  
3 or amendment provided for in this Act. Certificates, orders, rules or regu-  
4 lations issued or filed under authority of a law amended by this Act or  
5 functions which may be transferred by this Act, remain in effect for the term  
6 issued, unless revoked, vacated, or otherwise modified under the provisions  
7 of this Act. Contracts or other obligations created by a law amended by this  
8 Act or by virtue of functions which may be transferred by this Act, and in  
9 effect on the effective date of this Act, remain in effect unless revoked or  
10 modified under the provisions of this Act.

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

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

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

4 \* Sec. 19. APPOINTMENT OF INITIAL FACULTY AND STUDENT MEMBERS. (a) Not-  
5 withstanding AS 14.42.030, enacted by sec. 2 of this Act, the governor may  
6 appoint the initial member of the Board of Trustees from among the full-time  
7 members of the faculty of the Alaska Community College System without regard  
8 to prior nomination by the Board of Trustees. The faculty member serves the  
9 term provided in AS 14.42.050(b).

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

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