

Introduced: 3/23/81  
Referred: Health, Education &  
Social Services and Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE LEGISLATIVE  
COUNCIL (for the Community  
College Interim Committee)

1 IN THE HOUSE

2 HOUSE BILL NO. 375

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the University of Alaska and to  
7 the community college system; and providing for an  
8 effective date."

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

10 \* Section 1. AS 14.40.010 is amended to read:

11 Sec. 14.40.010. UNIVERSITY OF ALASKA. The University of Alaska  
12 shall consist of the College of Agriculture, the School of Mines, the  
13 Department of Agricultural Experiment Station, the Department of Agri-  
14 cultural Extension Work, the community college system, and other  
15 colleges and departments which may be established, including depart-  
16 ments of anthropology, archaeology, ethnology, museum, natural history  
17 and paleontology.

18 \* Sec. 2. AS 14.40.150(b) is amended to read:

19 (b) At least one member of the Board of Regents must be a student.  
20 A university student shall fill the office every other term and a  
21 community college student shall fill the office for the alternating  
22 term. The student shall be appointed from a list of nominees submitted  
23 to the governor. The governor shall make his appointment from the list  
24 within 60 days after it is submitted to him. The list shall consist of  
25 the names of two students from each university center [CAMPUS] of the  
26 University of Alaska or two students from each community college after  
27 an election is held at each university center or community college  
28 [CAMPUS]. Elections shall be conducted under rules established by the  
29 Office of the Governor. The term of office of the regent appointed

1 who is a university or community college student [FROM THE GENERAL  
2 STUDENT BODY, UNIVERSITY OF ALASKA,] is for two years. An appointment  
3 made under AS 14.40.130(d) shall be for the unexpired term of the  
4 original appointee. The term "university center" ["CAMPUS"] used in  
5 this subsection means a portion of the University of Alaska designated  
6 as a "university center" ["CAMPUS"] by the Board of Regents.

7 \* Sec. 3. AS 14.40.170(a)(1) is amended to read:

8 (1) appoint the president of the university centers and the  
9 president of the community college system by a majority vote of the  
10 whole board, and the presidents [PRESIDENT] may attend meetings of the  
11 board;

12 \* Sec. 4. AS 14.40.170(a)(2) is amended to read:

13 (2) fix the compensation of the president of the university  
14 centers, the president of the community college system, all heads of  
15 departments, professors, teachers, instructors and other officers;

16 \* Sec. 5. AS 14.40.170(b)(2) is amended to read:

17 (2) determine and regulate the course of instruction in the  
18 university centers with the advice of the president of the university  
19 centers.

20 \* Sec. 6. AS 14.40.170(b) is amended by adding a new paragraph to read:

21 (3) determine and regulate, with the advice of the president  
22 of the community college system, the course of instruction in each  
23 community college for academic degree programs which have been approved  
24 by the policy committee of the community college, and consider requests  
25 for new academic degree programs submitted by a policy committee.

26 \* Sec. 7. AS 14.40.175 is amended to read:

27 Sec. 14.40.175. INDEMNIFICATION. The Board of Regents shall  
28 insure or indemnify and protect the board, any member of the board, or  
29 any agent or employee of the University of Alaska or of the Board of

1 Regents against financial loss and expense, including reasonable legal  
2 fees and costs arising out of any claim, demand, suit or judgment by  
3 reason of alleged negligence, alleged violation of civil rights or  
4 alleged wrongful act resulting in death or bodily injury to any person  
5 or accidental damage to or destruction of property, inside or outside a  
6 [THE] university center or a community college premises, if the board  
7 member, agent or employee, at the time of the occurrence, was acting  
8 under the direction of the Board of Regents within the course or scope  
9 of his duties.

10 \* Sec. 8. AS 14.40.210 is amended to read:

11 Sec. 14.40.210. POWERS OF PRESIDENT OF THE UNIVERSITY CENTERS.

12 The president of the university centers [UNIVERSITY OF ALASKA] may

13 (1) give general direction to the work of the university  
14 centers [INSTITUTION] in all [ITS] departments subject to the approval  
15 of the Board of Regents; [.]

16 (2) appoint the deans, heads of departments, professors,  
17 assistants, instructors, tutors and other officers of the university  
18 centers to the positions established by the Board of Regents.

19 \* Sec. 9. AS 14.40.220 is amended to read:

20 Sec. 14.40.220. DUTY OF PRESIDENT OF THE UNIVERSITY CENTERS TO  
21 DEFINE DUTIES AND SUPERVISE APPOINTEES. The president of the univer-  
22 sity centers shall define the duties and supervise the performance of  
23 the [THOSE] persons [WHOM] he appoints to positions established by the  
24 Board of Regents.

25 \* Sec. 10. AS 14.40 is amended by adding a new section to read:

26 Sec. 14.40.225. POWERS AND DUTIES OF THE PRESIDENT OF THE COMMU-  
27 NITY COLLEGE SYSTEM. (a) The president of the community college  
28 system may

29 (1) give general direction to the work of each community

1 college subject to the approval of the Board of Regents;

2 (2) appoint the executive officer of each community college  
3 in accordance with AS 14.40.590, and appoint other employees of the  
4 community college system to the positions established by the Board of  
5 Regents.

6 (b) The president shall

7 (1) define the duties and supervise the performance of  
8 persons appointed under (a)(2) of this section;

9 (2) submit new academic degree programs planned for a commu-  
10 nity college and approved by the policy committee to the Board of  
11 Regents for consideration;

12 (3) submit the annual budget request for each community  
13 college to the Board of Regents for consideration.

14 \* Sec. 11. AS 14.40.240 is amended to read:

15 Sec. 14.40.240. POWER OF PRESIDENTS [PRESIDENT] TO SUSPEND AND  
16 EXPEL STUDENTS. (a) The power to suspend and expel a university  
17 student for misconduct or other cause and to reinstate him is vested  
18 solely in the president of the university centers.

19 (b) The power to suspend and expel a community college student  
20 for misconduct or other cause and to reinstate him is vested solely in  
21 the president of the community college system.

22 \* Sec. 12. AS 14.40.260(1) is amended to read:

23 (1) make a study of the principles and applicability of the  
24 community [JUNIOR] college to the state;

25 \* Sec. 13. AS 14.40.260(7) is amended to read:

26 (7) develop and offer at one or more of the university cen-  
27 ters [SENIOR COLLEGE] or community colleges [COLLEGE CAMPUSES] a con-  
28 tinuing professional education program for architects, engineers,  
29 building officials, and officers and employees of financial institutions

1 on alternative energy systems and on energy conservation and solar  
2 design and construction methods applicable to the state.

3 \* Sec. 14. AS 14.40.300 is amended to read:

4 Sec. 14.40.300. CREATION AND APPOINTMENT OF COMPTROLLERS [COMP-  
5 TROLLER]. The Board of Regents shall create the office of comptroller  
6 of the university centers, and the office of comptroller of the commu-  
7 nity college system, fix the salary, and determine the duties of the  
8 offices [OFFICE]. The Board of Regents shall fill the offices [OFFICE].  
9 The comptrollers [COMPTROLLER] shall report directly to the Board of  
10 Regents.

11 \* Sec. 15. AS 14.40.340 is amended to read:

12 Sec. 14.40.340. APPLICABILITY OF BID PRACTICES TO UNIVERSITY OF  
13 ALASKA. The competitive bid practices set out [FORTH] in AS 37.05.230  
14 apply to the University of Alaska, except that the provisions of that  
15 section [ACT] do not apply in those cases where the work is to be  
16 performed substantially by students enrolled in a [THE] university  
17 center or in a community college. [WHERE THE TERM "PURCHASING AGENT"  
18 IS USED IN AS 37.05, IT MEANS THE COMPTROLLER OF THE UNIVERSITY.]

19 \* Sec. 16. AS 14.40.560 is amended to read:

20 Sec. 14.40.560. AUTHORITY TO COOPERATE. A qualified school  
21 district or municipality [POLITICAL SUBDIVISION] may make an agreement  
22 with the University of Alaska for the establishment, operation, and  
23 maintenance of a community college. A qualified school district or  
24 qualified municipality [POLITICAL SUBDIVISION] shall pay all instruc-  
25 tional and administrative costs for nondegree college programs and  
26 activities offered.

27 \* Sec. 17. AS 14.40.570 is amended to read:

28 Sec. 14.40.570. AUTHORITY OF BOARD. (a) Since academic educa-  
29 tion beyond the high school level is a statewide responsibility, the

1 board, in its discretion and as the need arises, may cooperate with the  
2 federal government and qualified school districts and municipalities  
3 [POLITICAL SUBDIVISIONS] in the establishment of appropriate higher  
4 educational programs and activities. The board is responsible for the  
5 selection of all [COMMUNITY COLLEGE INSTRUCTORS, PART AND FULL-TIME,  
6 FOR THE] academic degree programs and activities, and shall pay all  
7 instructional and administrative costs, including cost of special  
8 equipment and instructional materials, for academic degree programs and  
9 activities offered in a community college, except that each academic  
10 degree program must be approved by the policy committee for the commu-  
11 nity college.

12 (b) Selected upper division and graduate level courses of instruc-  
13 tion, offered by the university through its off-campus instructional  
14 program to meet local needs, may be coordinated through the office of  
15 the executive officer [DIRECTOR] of a community college.

16 \* Sec. 18. AS 14.40 is amended by adding new sections to read:

17 Sec. 14.40.572. REQUIREMENTS FOR A COMMUNITY COLLEGE. (a) Each  
18 community college must be functioning as an extension of an existing  
19 community college or of a university center at the time the application  
20 to establish the community college is filed. The community college  
21 must have been functioning as an extension for at least three years  
22 before the date the application is filed.

23 (b) The area served by a community college must have a minimum  
24 population of 12,000 residents.

25 (c) Each community college must provide

- 26 (1) an academic transfer program;  
27 (2) a vocational program;  
28 (3) a student services program which includes counseling and  
29 financial aid;

1 (4) a community services program which includes continuing  
2 education; and

3 (5) a plan for providing developmental education which  
4 includes basic reading, writing, and study skills.

5 (d) Each community college must have at least a number of full-  
6 time and part-time staff positions provided by the board equivalent to

7 (1) nine full-time teachers of academic or vocational sub-  
8 jects in degree programs with at least one full-time teacher in each of  
9 the following subjects:

10 (A) mathematics;

11 (B) humanities;

12 (C) social sciences; and

13 (D) physical sciences;

14 (2) four full-time employees providing academic support ser-  
15 vices, such as department heads and, librarians, and including clerical  
16 personnel necessary to provide the services;

17 (3) one employee and one half-time employee providing student  
18 services such as counseling, vocational and academic guidance, help in  
19 obtaining financial aid, and including clerical personnel necessary to  
20 provide the services;

21 (4) six full-time employees and one half-time employee  
22 providing institutional support services such as administration, book-  
23 keeping, building maintenance, and including clerical personnel neces-  
24 sary to provide the services.

25 Sec. 14.40.574. APPLICATION. (a) A qualified school district or  
26 municipality may file an application with the chancellor of community  
27 colleges, rural educational and extension affairs of the University of  
28 Alaska for the establishment of a community college. The application  
29 shall contain

1 (1) the period of time during which an extension of a com-  
2 munity college or of a university center has been operating within the  
3 boundaries of the school district or municipality;

4 (2) the population of the area to be served by the proposed  
5 community college;

6 (3) if there is an existing community college in the area to  
7 be served by the proposed college, information demonstrating that the  
8 proposed community college will not have a detrimental effect on the  
9 existing college;

10 (4) information demonstrating that the proposed community  
11 college will support local community interests by providing nondegree  
12 programs and activities;

13 (5) a financial plan which includes the amount of money and  
14 other types of support to be provided by the school district or politi-  
15 cal subdivision to the proposed community college.

16 (b) Within 30 days after receipt of an application under this  
17 section, the chancellor shall recommend whether the application should  
18 be disapproved and shall submit a copy of the application to the board  
19 and one to the commission. Within 60 days after receipt of the applica-  
20 tion, the board shall disapprove the application or request the appli-  
21 cant to prepare a feasibility study in accordance with AS 14.40.576.  
22 If the board disapproves the application, the board shall notify the  
23 applicant and the commission in writing and provide reasons for the  
24 decision.

25 Sec. 14.40.576. FEASIBILITY STUDY. (a) As part of the applica-  
26 tion process, a qualified school district or municipality which has  
27 filed an application under AS 14.40.574 shall, with the assistance of  
28 the division, conduct a feasibility study to determine whether the  
29 proposed community college meets the requirements set out in AS 14.40.-

1 572 and submit a report to the division containing

2 (1) information concerning the area to be served by the  
3 proposed community college, including identification of communities to  
4 be served, the population of the area by five-year age groups, and  
5 projection of population in future years by five-year age groups;

6 (2) a plan for the delivery of services offered by the  
7 proposed community college to the communities in the area to be served,  
8 and a description of the intended impact which the college will have on  
9 the area to be served;

10 (3) projections of enrollment in the proposed community  
11 college for the first five years of operation in each program to be  
12 offered, including statistics on the numbers of male and female stu-  
13 dents, full-time and part-time students, and race classifications of  
14 the students expected to attend, and the number of full-time equivalent  
15 students expected to attend; the method used for projections shall be  
16 explained;

17 (4) a statement of the number of students enrolled in public  
18 and private schools located within the area to be served by the proposed  
19 community college, and an assessment of the impact that the schools  
20 will have on enrollment of students in the proposed college;

21 (5) a description of hearings and discussions concerning the  
22 proposed community college conducted as part of the study within the  
23 area to be served by the proposed community college;

24 (6) a description of degree and nondegree programs and  
25 services planned to be offered by the proposed community college;

26 (7) a description of how the proposed community college will  
27 conform with university and division plans for the provision of educa-  
28 tional services in the area to be served by the college;

29 (8) projections of the financial needs of the proposed

1 community college and plans for meeting the needs for the first five  
2 years of operation;

3 (9) a plan for the acquisition of land to be used as the  
4 site of the college if facilities are to be constructed for the proposed  
5 community college;

6 (10) a plan for acquiring the facilities or the use of the  
7 facilities, if existing facilities are to be used for the proposed  
8 community college;

9 (11) a proposed agreement between the university and the  
10 qualified school district or municipality for the establishment, opera-  
11 tion, and maintenance of the community college;

12 (12) a description of the financial and other support which  
13 the qualified school district or municipality will provide to the  
14 proposed community college, including the provision of equipment,  
15 library resources, facilities, financial aid to community college  
16 students, employment of community college students and work-study  
17 programs for community college students;

18 (13) a plan for evaluating community college programs;

19 (14) a plan for the involvement in the operation of the  
20 college of residents of the area to be served by the proposed community  
21 college.

22 (b) If a report does not meet the requirements, the division  
23 shall return it to the applicant for correction.

24 Sec. 14.40.578. DETERMINATION. (a) If a report submitted under  
25 AS 14.40.576(a) meets the requirements, the division shall, within 15  
26 days after receipt of the report, send a copy to the commission.  
27 Within 120 days after receipt of the report the division shall review  
28 the report and, with the advice of the commission, recommend that the  
29 application to establish a community college be approved or disapproved.

1 The division shall send a copy of the report and its recommendation to  
2 the board.

3 (b) Within six months after receipt of a report from the division,  
4 the board shall approve or disapprove the application to establish a  
5 community college, and shall notify the applicant, the division, and  
6 the commission of its action in writing.

7 Sec. 14.40.579. ESTABLISHMENT OF A NEW COMMUNITY COLLEGE. A new  
8 community college shall be established and begin operating within two  
9 years after the application to establish the community college is  
10 approved by the board.

11 \* Sec. 19. AS 14.40.580 is amended to read:

12 Sec. 14.40.580. USE OF JOINT FACILITIES. (a) If facilities used  
13 by the community college are owned by the school district or municipal-  
14 ity [POLITICAL SUBDIVISION], the board, subject to availability of  
15 appropriated funds, may reimburse the school district or municipality  
16 for all expenses directly related to facilities for academic degree  
17 programs and activities. The school district or municipality [POLITICAL  
18 SUBDIVISION] shall bear all expenses directly related to nondegree  
19 programs and activities.

20 (b) If separate facilities are financed, constructed, or main-  
21 tained from federal, state, or private funds for either academic degree  
22 or nonacademic degree programs and activities of the community college,  
23 then the board has title to and control of the separate facilities used  
24 for these purposes. If separate facilities are financed, constructed,  
25 or maintained from school district or municipal [POLITICAL SUBDIVISION]  
26 funds for either degree or nondegree programs and activities, the  
27 school district or municipality [POLITICAL SUBDIVISION] has title to  
28 and control of the separate facilities used for these purposes.

29 \* Sec. 20. AS 14.40.590 is amended to read:

1           Sec. 14.40.590. EXECUTIVE OFFICER [DIRECTOR]. The administrative  
2 head of a community college established by the University of Alaska in  
3 cooperation with school districts or municipalities [POLITICAL SUBDIVI-  
4 SIONS] is an executive officer who is supervised by the community col-  
5 lege system president [A DIRECTOR]. The executive officer [DIRECTOR]  
6 shall be selected by the president of the community college system  
7 [BOARD] subject to approval of the community college policy committee  
8 [BY THE GOVERNING BODY OF THE SCHOOL DISTRICT OR POLITICAL SUBDIVISION].

9 \* Sec. 21. AS 14.40.600 is amended to read:

10           Sec. 14.40.600. REGULATIONS. A community college established by  
11 the university in cooperation with school districts or municipalities  
12 [POLITICAL SUBDIVISIONS] shall be established, maintained, and operated  
13 under [RULES AND] regulations adopted by the board. The [SELECTION AND  
14 ACADEMIC QUALIFICATIONS FOR PERSONNEL AND THE] curriculum of a community  
15 college, insofar as it pertains to academic degree programs and activi-  
16 ties, is, with the advice of the executive officer and the policy com-  
17 mittee of the community college, the responsibility of the board. The  
18 selection and qualifications of personnel for nondegree programs and  
19 activities of the community college are the responsibility of the  
20 governing body of the school district or municipality [POLITICAL SUB-  
21 DIVISION].

22 \* Sec. 22. AS 14.40.610(b) is amended to read:

23           (b) All money, including tuition and fees received before or  
24 after April 10, 1962, from the operations of a community college estab-  
25 lished, operated and maintained under AS 14.40.560 - 14.40.640 and  
26 directly related or attributable to nondegree programs and activities  
27 of the community college, shall be placed in the appropriate fund of  
28 the qualified school district or municipality [POLITICAL SUBDIVISION]  
29 cooperating with the university in the establishment of the community

1 college.

2 \* Sec. 23. AS 14.40 is amended by adding a new section to read:

3 Sec. 14.40.615. POLICY COMMITTEE. (a) A policy committee com-  
4 posed of not less than five or more than eleven members shall be ap-  
5 pointed by the board for each community college established in coopera-  
6 tion with a school district or municipality. The policy committee  
7 shall be broadly representative of the people served by the community  
8 college. Members shall be appointed from persons recommended by the  
9 school district or municipality and shall reside within the area served  
10 by the community college. Members shall serve three-year terms and may  
11 be appointed to serve additional terms.

12 (b) The policy committee shall coordinate activities and programs  
13 of the community college with activities and programs of the school  
14 district or municipality. The following items are subject to approval  
15 by the policy committee:

16 (1) selection of the executive officer of the community  
17 college;

18 (2) the annual budget request for the community college to  
19 be submitted by the president of the community college system to the  
20 board;

21 (3) plans for new academic degree programs;

22 (4) the course of instruction for nondegree programs offered  
23 by the community college.

24 \* Sec. 24. AS 14.40.620 is amended to read:

25 Sec. 14.40.620. SAVINGS CLAUSE. An agreement between the Univer-  
26 sity of Alaska and a community college in effect on July 1, 1981  
27 [APRIL 10, 1962], shall remain in effect until its agreed expiration  
28 unless, before the agreed expiration, it is mutually cancelled or  
29 modified by the contracting parties.

1 \* Sec. 25. AS 14.40.630 is amended to read:

2 Sec. 14.40.630. DEFINITIONS. In AS 14.40.560 - 14.40.640,  
3 unless the context otherwise requires,

4 (1) "community college" means a program of education estab-  
5 lished by the University of Alaska in cooperation with qualified school  
6 districts or qualified municipalities [POLITICAL SUBDIVISIONS] of the  
7 state, including both academic degree and nondegree programs;

8 (2) "qualified school district" or "qualified municipality  
9 [POLITICAL SUBDIVISION]" means a school district or municipality [POLI-  
10 TICAL SUBDIVISION] organized under the laws of the state, or a group of  
11 two or more contiguous school districts or municipalities [POLITICAL  
12 SUBDIVISIONS] of the state, or a combination of each, which [COMBINA-  
13 TION], considered as a unit, meets the following minimum requirements  
14 for the establishment of a community college:

15 (A) makes application to the Board of Regents of the  
16 University of Alaska in accordance with AS 14.40.574 for participa-  
17 tion in the community college system, and submits a feasibility  
18 study in accordance with AS 14.40.576 [PROGRAM];

19 (B) satisfies educational standards of the community  
20 college system [UNIVERSITY OF ALASKA] according to criteria estab-  
21 lished by the Board of Regents;

22 (C) has had an average daily membership during the  
23 previous school year of at least 75 high school students, grades  
24 9-12;

25 (D) has established to the satisfaction of the Board of  
26 Regents the practical need for a community college within the  
27 district or municipality [POLITICAL SUBDIVISION]; and

28 (E) makes arrangements for defraying its proper share  
29 of the costs of the operation and maintenance of a community

1 college, as provided by the terms of AS 14.40.560 - 14.40.640;

2 (3) ["BOARD OF REGENTS" OR] "board" means the Board of  
3 Regents of the University of Alaska and community college system;

4 (4) "commission" means the Alaska Commission on Post-  
5 secondary Education;

6 (5) "division" means the division of community colleges,  
7 rural education, and extension affairs of the University of Alaska.

8 \* Sec. 26. AS 37.05.220 is amended to read:

9 Sec. 37.05.220. PURCHASING AGENT. The Department of Administra-  
10 tion is the purchasing agent for the state. The comptrollers of the  
11 university center and the community college system are the purchasing  
12 agents for the University of Alaska. The purchasing agent [THE DEPART-  
13 MENT] shall

14 (1) purchase, rent, or otherwise provide for the furnishing  
15 of supplies, materials, equipment, or contractual services for all  
16 state agencies;

17 (2) have power to authorize an agency to purchase directly  
18 certain specified supplies, materials, equipment, or contractual ser-  
19 vices under conditions and procedures prescribed in AS 37.05.230;

20 (3) prescribe the manner in which supplies, materials, and  
21 equipment shall be purchased, delivered, stored, and distributed;

22 (4) prescribe the time, manner, authentication, and form of  
23 making requisitions for supplies, materials, equipment, and contractual  
24 services;

25 (5) fix standards of quality and quantity and develop stan-  
26 dard specifications after consultation with the several state agencies,  
27 and approve or determine final specifications;

28 (6) have power to transfer to or between agencies or to sell  
29 or trade in supplies, materials, and equipment of agencies which are

1 surplus, obsolete, or unused; and the department shall make proper  
2 adjustments in the accounts of the agencies concerned;

3 (7) prescribe the manner of inspecting deliveries of sup-  
4 plies, materials, and equipment and of making tests of samples submitted  
5 with bids and samples of deliveries to determine compliance with speci-  
6 fications;

7 (8) prescribe standard forms for bids and contracts for  
8 construction, purchases of supplies, and other purposes, which bids and  
9 contracts may contain provisions which the purchasing agent [DEPARTMENT]  
10 considers necessary; but all contracts for construction shall require  
11 the filing of an acceptable performance bond and a penalty provision  
12 for failure to perform the contract according to its terms;

13 (9) provide for other matters which may be necessary to  
14 carry out the provisions of this chapter and the rules and regulations  
15 adopted under it.

16 \* Sec. 27. A community college established under AS 14.40.560 - 14.40.640  
17 before July 1, 1981, is exempt from AS 14.40.572 added by sec. 18 of this  
18 Act.

19 \* Sec. 28. This Act takes effect July 1, 1981.  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29