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1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 107 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act establishing the Alaska Community College  
7 System."

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  
12 of postsecondary and continuing education, established either independently  
13 or in cooperation with the governing bodies of school districts or munic-  
14 ipalities in the state, with an agency of the federal government, or with a  
15 nonprofit corporation or association, to increase the opportunity for  
16 obtaining a postsecondary education in the state.

17

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

21

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

24

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

29

(3) general education and public interest courses designed to

1 meet the needs of a community, to enable a person to expand that person's  
2 knowledge, improve the quality of life, or acquire, change or update a  
3 skill that a person 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 through programs of off-  
6 campus study and credit and noncredit courses that may or may not lead to  
7 associate, baccalaureate or advanced degrees.

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

9 CHAPTER 41. ALASKA COMMUNITY COLLEGE SYSTEM.

10 ARTICLE 1. GOVERNANCE.

11 Sec. 14.41.010. SYSTEM ESTABLISHED. There is established the  
12 Alaska Community College System.

13 Sec. 14.41.020. BOARD OF TRUSTEES. (a) The system shall be  
14 under the control of a Board of Trustees consisting of seven members  
15 appointed by the governor, subject to confirmation by a majority of  
16 the members of the legislature in joint session.

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

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

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

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

26 (3) one board member shall be a resident of the Fourth  
27 Judicial District;

28 (4) one board member shall be a resident of the Second  
29 Judicial District;

1                   (5) one board member shall be a member of the faculty of a  
2 community college, extension center, or outreach program under the  
3 Alaska Community College System, appointed under AS 14.41.030;

4                   (6) one board member shall be a student enrolled in a col-  
5 lege, extension center, or outreach program under the Alaska Community  
6 College System, appointed under AS 14.41.040.

7                   Sec. 14.41.030. APPOINTMENT OF FACULTY MEMBER. (a) The faculty  
8 member of the board shall be appointed by the governor from a list of  
9 nominees submitted by the Board of Trustees. The list of nominees  
10 consists of the names of at least three but not more than five full-  
11 time community college, extension center, or outreach program faculty  
12 members. The faculty members shall be nominated from the full-time  
13 faculty of the community colleges, extension centers, and outreach  
14 programs in the manner prescribed by the board by regulation.

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

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

24                   Sec. 14.41.040. APPOINTMENT OF STUDENT MEMBER. (a) The student  
25 member of the board shall be appointed by the governor from a list of  
26 nominees consisting of the names of two students from each community  
27 college of the system, and one from each extension center or outreach  
28 program, after an election is held at each college, center, or program  
29 site. The elections shall be conducted under regulations adopted by

1 the board.

2 (b) The student board member appointed under this section must  
3 be enrolled as a full-time student as defined by the academic regu-  
4 lations of the community colleges, extension centers, or outreach  
5 programs at the time of appointment.

6 (c) A student board member appointed under (a) of this section  
7 who fails to remain enrolled as a full-time student at one of the  
8 community colleges, extension centers, or outreach programs during the  
9 student's term forfeits that office. The governor shall appoint a  
10 successor from among the list of nominees submitted under (a) of this  
11 section at the time of original appointment.

12 Sec. 14.41.050. TERM OF OFFICE; VACANCIES. (a) Except for the  
13 faculty and student board members, members of the Board of Trustees  
14 serve for five-year terms. The terms of the initial appointees shall  
15 be staggered in such a manner that the term of office of at least one  
16 board member expires each year.

17 (b) The term of office of the faculty board member is two years.

18 (c) The term of office of the student board member is one year.

19 (d) Vacancies shall be filled in the same manner as original  
20 appointment.

21 Sec. 14.41.060. OFFICERS OF THE BOARD. A chairperson, vice-  
22 chairperson, secretary, and other officers that the board considers  
23 necessary shall be elected from among the members of the board for a  
24 one-year term. A member of the board may not serve as chairperson for  
25 more than two consecutive one-year terms.

26 Sec. 14.41.070. RULES, VOTES REQUIRED. (a) The board shall  
27 prescribe its own rules of procedure.

28 (b) A quorum is a majority of the members of the board. The  
29 votes of the board members shall be recorded, and effective action

1 requires the affirmative vote of a majority of the board members.

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

5 Sec. 14.41.080. MEETINGS. (a) The board shall hold a regular  
6 meeting at least once quarterly at a time and place determined by the  
7 chairperson, and may hold special meetings at other times and places  
8 as the chairperson or a majority of the members of the board considers  
9 necessary. Thirty days notice is required for regular meetings and 10  
10 days notice is required for special meetings of the board, its commit-  
11 tees, or subcommittees. Emergency meetings may be called without  
12 notice.

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

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

25 Sec. 14.41.090. COMPENSATION AND PER DIEM. Members of the board  
26 serve without compensation but are entitled to per diem and travel ex-  
27 penses authorized by law for boards under AS 39.20.180.

28 Sec. 14.41.100. POWERS AND DUTIES OF THE BOARD. (a) The board  
29 shall

- 1           (1) appoint the chancellor of the system by a majority vote  
2 of all members of the board;
- 3           (2) fix the compensation of the chancellor, faculty, and  
4 other officers and employees of the colleges;
- 5           (3) adopt bylaws and administrative rules for the manage-  
6 ment and operation of the community colleges, extension centers, and  
7 outreach programs;
- 8           (4) confer degrees and certificates appropriate to the  
9 community colleges that the board may determine and prescribe;
- 10          (5) have the care, control, and management of the real and  
11 personal property and funds of the system, and keep a complete, accu-  
12 rate record of all funds received and disbursed;
- 13          (6) keep a complete record of the minutes of every meeting  
14 and all acts done by the board in the pursuit of its duties;
- 15          (7) establish management policies within which the princi-  
16 pal campus administrative officers of the community colleges, the  
17 extension centers, or outreach programs, and the community college  
18 councils manage and control the operation of the community college,  
19 extension center, or outreach programs; and
- 20          (8) meet regularly with the community college councils to  
21 determine the needs of each community college, extension center, or  
22 outreach program.
- 23          (b) The board may
- 24           (1) sue and be sued;
- 25           (2) receive, hold and manage real and personal property;
- 26           (3) contract and be contracted with;
- 27           (4) adopt, use, and alter a corporate seal;
- 28           (5) accept grants or loans from and contract with the  
29 federal government, the state, or its political subdivisions, and



1 each community college, extension center, or outreach program, on  
2 recommendation of the principal administrative officer of each;

3 (2) with the approval of the board, delegate the authority  
4 to appoint faculty, officers, and employees to the principal adminis-  
5 trative officer of each community college, extension center, or out-  
6 reach program.

7 (b) The chancellor shall

8 (1) subject to the approval of the board, appoint the  
9 principal administrative officer for each community college and exten-  
10 sion center, on recommendation of the community college council;

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

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

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

19 Sec. 14.41.130. SUSPENSION, EXPULSION OF STUDENTS. The author-  
20 ity to suspend and expel a student for misconduct or other cause or to  
21 reinstate the student is vested solely in the chancellor. The chan-  
22 cellor may delegate this authority to the principal campus administra-  
23 tive officer of each community college.

24 Sec. 14.41.140. CAMPUS ADMINISTRATION. (a) The principal  
25 administrative officer for each community college is responsible  
26 directly to the chancellor and to the community college council for  
27 the administration of the community college. Subject to the approval  
28 of the board, the principal administrative officer shall be appointed  
29 by the chancellor, on recommendation of the council for the community

1 college which the principal administrative officer will administer.

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

10 Sec. 14.41.150. SERVICE ORGANIZATIONS. The board may establish  
11 statewide or central service organizations for the community colleges,  
12 extension centers, and outreach programs. Regional service centers  
13 also may be established to administer the outreach programs and to  
14 provide postsecondary educational services to the residents of the  
15 rural areas of the state in each area for which a regional center is  
16 established. In an area where a community college or an extension  
17 center is located, the regional service center shall be integrated  
18 with the operation of the community college or extension center.

19 Sec. 14.41.160. FACULTY; COURSE OF INSTRUCTION. (a) Full-time  
20 members of the faculty and administrative staff of each community col-  
21 lege, extension center, and outreach program are members of the fac-  
22 ulty and administrative staff, respectively, of the Alaska Community  
23 College System for all purposes.

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

28 Sec. 14.41.170. COMMUNITY COLLEGE COUNCIL. (a) A community  
29 college council shall be established for each community college. The

1 council shall consist of not less than seven or more than 15 members  
2 who shall be broadly representative of the area served, including  
3 faculty and student representation and a representative of the city or  
4 borough school district or regional educational attendance area. The  
5 board may appoint a council for an extension center and for each  
6 regional service center, when the center is not integrated with a  
7 community college or extension center.

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

14 (c) Members of a council serve without compensation but are  
15 entitled to per diem and travel expenses authorized by law for boards  
16 under AS 39.20.180.

17 (d) The provisions of AS 14.41.080(c) and AS 44.62.310 apply to  
18 meetings of community college councils in the same manner and to the  
19 same extent applicable to meetings of the board, its committees, and  
20 subcommittees.

21 (e) A community college council acts

22 (1) in a policy-making capacity with respect to the princi-  
23 pal administrative officer of each community college, coordinator of  
24 an extension center, or administrator of an outreach program;

25 (2) in an advisory capacity to the chancellor and to the  
26 board.

27 (f) A community college council shall review and make recommen-  
28 dations

29 (1) concerning the selection of the principal

1 administrative officer of the community college, extension center, or  
2 outreach program;

3 (2) concerning the proposed program budget for the commu-  
4 nity college, extension center, or outreach program for each fiscal  
5 year before it is submitted to the statewide administration and to the  
6 board; and

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

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

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

16 (C) the means of gaining support for the program of  
17 the community college, extension center, or outreach program in  
18 that area.

19 ARTICLE 3. ESTABLISHMENT OF COMMUNITY COLLEGES.

20 Sec. 14.41.180. ESTABLISHMENT. (a) A community college or an  
21 extension center may be established by the board only in accordance  
22 with the minimum criteria established by AS 14.41.190 - 14.41.200, as  
23 supplemented by the board by regulation.

24 (b) The establishment or expansion of a community college or an  
25 extension center may be proposed by

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

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

- 1                   (3) a nonprofit corporation or association;
- 2                   (4) the Alaska Commission on Postsecondary Education or the
- 3 state advisory council on community colleges created by AS 14.42.010 -
- 4 14.42.055;
- 5                   (5) the Governor's Council on Vocational and Career Educa-
- 6 tion;
- 7                   (6) the legislature by concurrent resolution; or
- 8                   (7) the board.

9                   Sec. 14.41.190. FEASIBILITY STUDY. (a) A new community college

10 or a new extension center may not be established until a feasibility

11 study as to the need for its establishment in the community or area to

12 be served has been completed either as directed by the board, or by a

13 proponent under AS 14.41.180(b), and approved by the board. The feasi-

14 bility study shall be submitted to the legislature and to the Alaska

15 Commission on Postsecondary Education.

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

17 include but is not limited to

- 18                   (1) an analysis of the population and educational needs of
- 19 the municipality, school district or area in which the proposed com-
- 20 munity college is to be located;
- 21                   (2) a description of the area to be served by the proposed
- 22 community college;
- 23                   (3) estimated and projected enrollment;
- 24                   (4) proposed core faculty and administrative staffing;
- 25                   (5) a proposed budget for the initial fiscal year of opera-
- 26 tion together with a statement of sources of financial support re-
- 27 quired for core faculty and administrative staff, curriculum and other
- 28 programs and activities, and physical facilities;
- 29                   (6) a plan for citizen involvement through a community

1 college council established under AS 14.41.170; and

2 (7) a proposed agreement with the school district, munic-  
3 pality or federal agency or a nonprofit corporation or association  
4 under AS 14.41.210.

5 Sec. 14.41.200. EXTENSION CENTERS, OUTREACH PROGRAMS. If in any  
6 community where a community college has been proposed the level of  
7 demand for postsecondary and continuing education as determined by the  
8 feasibility study required under AS 14.41.190(a) is more limited than  
9 that required for the establishment of a comprehensive community  
10 college program, the board may establish an extension center or an  
11 outreach program either independently or in cooperation with the  
12 University of Alaska, another university, a school district, a munic-  
13 ipality, a nonprofit corporation or association, or an agency of the  
14 federal government.

15 Sec. 14.41.210. RELATIONSHIP WITH SCHOOL DISTRICT, MUNICIPALITY,  
16 FEDERAL AGENCY. (a) A community college may establish, operate and  
17 maintain, or enter into a cooperative agreement with an agency of the  
18 federal government, a school district, a municipality, or a nonprofit  
19 corporation or association for the establishment, operation and main-  
20 tenance of, appropriate public postsecondary and continuing educa-  
21 tional programs and activities in community colleges, extension cen-  
22 ters, outreach programs, or by other means. An agreement entered into  
23 under this section shall include, but is not limited to,

24 (1) recognition that complete operational authority resides  
25 with the community college, extension center, or outreach program,  
26 subject to periodic reviews by the cooperating school district, munic-  
27 ipality, federal agency, nonprofit corporation or association, or the  
28 participating university, and appropriate reports to ensure program  
29 description and effective mutual use of facilities;

1 (2) provision for cooperative planning of program and  
2 facilities needs and for mutual use of facilities; and

3 (3) provision for periodic review of the agreement.

4 (b) If separate facilities are financed, constructed, or main-  
5 tained from federal, state, or private funds for programs and activi-  
6 ties of the community college, extension center, or outreach program,  
7 the board has title to and control of the separate facilities used for  
8 these purposes. If separate facilities are financed, constructed, or  
9 maintained from school district, municipality, or nonprofit corpora-  
10 tion or association funds for community college or extension center or  
11 outreach programs and activities, the school district, municipality,  
12 or nonprofit corporation or association has title to and control of  
13 the separate facilities used for these purposes.

14 ARTICLE 4. FINANCE; FISCAL AND PROPERTY MANAGEMENT.

15 Sec. 14.41.230. FINANCE. (a) The board shall prepare a com-  
16 plete program budget for each community college, extension center, and  
17 outreach program including all courses, programs and activities re-  
18 gardless of the source of funding, including but not limited to funds  
19 from fees, grants, contracts, agreements, bequests, gifts, trusts, or  
20 endowments.

21 (b) All funds received for community college, extension center,  
22 or outreach program operations shall be administered in the manner  
23 prescribed by the board by regulation.

24 Sec. 14.41.240. PROPERTY AND FUNDS GENERALLY. (a) Except as  
25 otherwise provided in this chapter, the system shall hold and manage  
26 all property acquired by it.

27 (b) All funds appropriated by the legislature for the establish-  
28 ment, and support of the system, including the construction, opera-  
29 tion, and maintenance of its facilities, shall, at the request of the

1 board signed by its chairperson and secretary, be paid by the Depart-  
2 ment of Administration to the treasurer of the board. The treasurer  
3 of the board shall disburse these funds on properly drawn vouchers  
4 signed by its chairperson and secretary, or by the administrative  
5 officer of the system to whom the board delegates the performances of  
6 this function.

7 Sec. 14.41.250. TRUST POSITION OF BOARD. The board may receive,  
8 manage, and invest in any manner money or other property received from  
9 sources other than the state legislature or federal appropriation for  
10 the purpose of the system, its improvement or adornment, or the aid or  
11 advantage of students or faculty, and, in general, may act as trustee  
12 on behalf of the system for any of these purposes.

13 Sec. 14.41.260. ENDOWMENTS AND DONATIONS. Monetary gifts, be-  
14 quests, or endowments that are made to the system for the purpose of  
15 the separate trust fund created under AS 14.40.400 shall be trans-  
16 ferred from the fund to the Department of Revenue. The Department of  
17 Revenue shall manage that money in accordance with AS 14.40.400.  
18 Title to and control or possession of land, personal property, and all  
19 money other than that transferred to the Department of Revenue, that  
20 is devised, bequeathed, or given to the system, shall be taken by the  
21 system in its corporate capacity acting by and through the board, or  
22 its authorized agent, and shall be entered in the perpetual inventory  
23 of the system.

24 Sec. 14.41.270. APPLICABILITY OF STATE PROCUREMENT CODE. The  
25 provisions of AS 36.30 (State Procurement Code) apply to the system,  
26 except that the provisions of AS 36.30 do not apply in those cases  
27 where the work is to be performed substantially by students enrolled  
28 in the system. The regulations adopted by the commissioner of admin-  
29 istration under AS 36.30 apply to the system.

1           Sec. 14.41.280. WORKING CAPITAL RESERVE FUND. (a) There is  
2 established in the treasury of the system a working capital reserve  
3 fund. The fund consists of money appropriated by the legislature for  
4 the purpose of providing nonlapsing current working capital for the  
5 system and is not available for other use by the board.

6           (b) A quarterly report of all activity of the working capital  
7 reserve fund shall be submitted to the Legislative Budget and Audit  
8 Committee.

9                                   ARTICLE 5. GENERAL PROVISIONS.

10           Sec. 14.41.900. PROHIBITIONS. (a) A person may not be deprived  
11 of the privileges or services of the system because of age, sex, race,  
12 religion, color, national origin, physical handicap, marital status,  
13 changes in marital status, pregnancy, or parenthood.

14           (b) Sectarian or partisan tests may not be employed or applied  
15 in the appointment of board or council members, faculty, or other  
16 officers or employees of the system, or in the admission of students  
17 or for any purposes.

18           Sec. 14.41.910. JOINT USE OF FACILITIES REQUIRED. (a) When a  
19 community college, extension center, or outreach program and the  
20 University of Alaska are contiguous, adjacent or reasonably close to  
21 one another, or if, on the effective date of this Act, a community  
22 college constituting a part of the University of Alaska shared or  
23 jointly used the same buildings and other facilities as other col-  
24 leges, departments, divisions, institutes, or other units of the  
25 University of Alaska, the shared or joint use of these facilities  
26 shall be continued.

27           (b) For purposes of this section, "buildings or facilities" in-  
28 cludes libraries, gymnasiums or other athletic facilities, auditor-  
29 iums, cafeterias, residence halls, dormitories or other student living

1 accommodations, laboratories, classrooms, offices, parking structures,  
2 landscaping, roads, utilities, and other buildings or structures used  
3 for the operation and maintenance of an institution of higher educa-  
4 tion.

5 Sec. 14.41.920. LIBRARY SERVICES. Library services shall be  
6 made available, and the library facility shall be open, to a community  
7 or area served by a community college.

8 Sec. 14.41.930. REPORT TO THE GOVERNOR, LEGISLATURE. The board  
9 shall make a written report to the governor and to the legislature at  
10 the beginning of each regular session of the condition of the system's  
11 property, of all receipts and expenditures, including but not limited  
12 to the management of trust funds, administration and disposition of  
13 appropriated and restricted funds, and of the educational and other  
14 work performed.

15 Sec. 14.41.940. REGULATIONS. A community college, extension  
16 center, an outreach program, or service center established under this  
17 chapter independently or in cooperation with a school district, muni-  
18 cipality, an agency of the federal government, or a nonprofit corpo-  
19 ration or association shall be operated and maintained under regula-  
20 tions adopted by the board.

21 Sec. 14.41.990. DEFINITIONS. In this chapter

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

24 (2) "chancellor" means the chancellor of the Alaska Commu-  
25 nity College System;

26 (3) "council" means a community college council appointed  
27 for an individual community college or extension center;

28 (4) "outreach program" means either an off-campus educa-  
29 tional delivery system or program that awards college credits, whether

1 or not conducted in a physical facility, designed for the conduct of  
2 instruction in localities in the rural areas of the state where there  
3 is no community college or extension center;

4 (5) "services" means programs or facilities that are an  
5 adjunct to academic or vocational programs or courses, or that provide  
6 aid to faculty, students or community, including but not limited to  
7 libraries, counseling and testing, health, media, and community ser-  
8 vices;

9 (6) "system" means the Alaska Community College System.

10 Sec. 14.41.995. SHORT TITLE. This chapter may be cited as the  
11 Alaska Community College System Act.

12 \* Sec. 3. AS 14.42.015(a) is amended to read:

13 (a) There is in the Department of Education the Alaska Commis-  
14 sion on Postsecondary Education consisting of

15 (1) two members of the Board of Regents of the University  
16 of Alaska designated by the members of that body;

17 (2) one person representing private higher education in the  
18 state selected jointly by the Boards of Trustees of Alaska Pacific  
19 University and Sheldon Jackson College from among their membership;

20 (3) one person representing the Department of Education  
21 selected by the state Board of Education;

22 (4) four persons broadly and equitably representative of  
23 the general public appointed by the governor;

24 (5) one member of the state Governor's [ADVISORY] Council  
25 on Vocational and Career Education designated by the members of that  
26 body;

27 (6) two members of the Board of Trustees of the Alaska  
28 Community College System designated by the members of that body [ONE  
29 PERSON FROM THE MEMBERS OF THE LOCAL COMMUNITY COLLEGE ADVISORY

1 COUNCILS APPOINTED BY THE GOVERNOR];

2 (7) two members from the legislature, one of whom shall be  
3 appointed by the president of the senate and one by the speaker of the  
4 house of representatives;

5 (8) one person appointed in accordance with (e) of this  
6 section who is a full-time student as defined in AS 14.43.160(2);

7 (9) one administrator appointed by the governor from a  
8 proprietary institution of postsecondary education that has an au-  
9 thorization to operate in the state issued under AS 14.48.

10 \* Sec. 4. AS 14.42.030(b) is amended to read:

11 (b) The commission shall

12 (1) develop a comprehensive statewide plan for coordinated  
13 postsecondary education in the state and serve as the state commission  
14 on postsecondary education required under sec. 1202 of Title XII of  
15 the Higher Education Act of 1965, as amended by the Education Amend-  
16 ments of 1972 (PL 92-318, sec. 196; 86 Stat. 324);

17 (2) [ESTABLISH A STATE ADVISORY COUNCIL ON COMMUNITY COL-  
18 LEGES AND DEVELOP A COMPREHENSIVE STATEWIDE PLAN FOR THE EXPANSION AND  
19 IMPROVEMENT OF THE COMMUNITY COLLEGES UNDER SEC. 1001 OF TITLE X OF  
20 THE HIGHER EDUCATION ACT OF 1965, AS AMENDED BY THE EDUCATION AMEND-  
21 MENTS OF 1972 (PL 92-318, SEC. 186; 86 STAT. 312, 313);

22 (3)] serve as the state agency required under secs. 105 of  
23 Title I (Community Service and Continuing Education), 603 of Title VI  
24 (Financial Assistance for Undergraduate Education) and 704 of  
25 Title VII (Construction of Academic Facilities) of the Higher Educa-  
26 tion Act of 1965 (PL 89-329; 79 Stat. 1220, 1262; 20 U.S.C. 1005,  
27 1123) as authorized by sec. 1202(c) of Title XII of the Higher Educa-  
28 tion Act of 1965, as amended by the Education Amendments of 1972  
29 (PL 92-318, sec. 196; 86 Stat. 324);

1           (3) [(4)]     administer the provisions of AS 14.43.090 -  
2     14.43.160 (student loan program), and serve as the student financial  
3     aid committee;

4           (4) [(5)]     administer the provisions of AS 14.48 (regulation  
5     of postsecondary educational institutions);

6           (5) [(6)]     resolve any disputes that exist or arise under a  
7     consortium or other cooperative agreement between institutions of  
8     public and private higher education in the state including disputes  
9     regarding the transfer of credit between the University of Alaska and  
10    the Alaska Community College System.

11    \* Sec. 5. AS 14.43.020 is amended to read:

12           Sec. 14.43.020. APPLICATIONS FOR AND ISSUANCE AND REPORT OF  
13    CERTIFICATES. A certificate shall be applied for and issued to a  
14    graduate before August 2 of each year and shall be reported immedi-  
15    ately to the registrar of the University of Alaska or of the Alaska  
16    Community College System by the superintendent or principal issuing  
17    it.

18    \* Sec. 6. AS 36.30.990(1) is amended to read:

19           (1) "agency" means a department, institution, board, com-  
20    mission, division, authority, public corporation, the Alaska Pioneers'  
21    Home, the Alaska Community College System, or other administrative  
22    unit of the executive branch of state government, except for the  
23    University of Alaska, the Alaska State Building Authority and the  
24    Alaska Railroad Corporation; it does not include a regional Native  
25    housing authority created under AS 18.55.996, or a regional electrical  
26    authority created under AS 18.57.020;

27    \* Sec. 7. AS 37.05 is amended by adding a new section to read:

28           Sec. 37.05.307. APPLICABILITY TO ALASKA COMMUNITY COLLEGE SYS-  
29    TEM. The commissioner of administration may delegate the performance

1 of the functions under this chapter as they relate to the Alaska  
2 Community College System to the Board of Trustees of the Alaska Commu-  
3 nity College System and set out the criteria and guidelines which  
4 shall be followed. The commissioner shall direct necessary stipula-  
5 tions and exercise monitoring responsibility for conformance through  
6 the Board of Trustees of the Alaska Community College System.

7 \* Sec. 8. AS 39.25.110(5) is amended to read:

8 (5) officers and employees of the University of Alaska and  
9 the Alaska Community College System;

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

11 (49) Alaska Community College System Board of Trustees  
12 (AS 14.42.020).

13 \* Sec. 10. AS 14.40.560 - 14.40.640 are repealed.

14 \* Sec. 11. TRANSITION. (a) Under the direction of the Alaska Commis-  
15 sion on Postsecondary Education and in cooperation with the Department of  
16 Administration and the Department of Revenue, the Board of Regents of the  
17 University of Alaska shall redistribute or transfer the property, assets  
18 and state or federal funds of the University of Alaska relating to the  
19 operation, maintenance, and support of the community colleges within the  
20 university to the Alaska Community College System and enter into consortial  
21 agreements for the joint use of educational facilities and support services  
22 with educational institutions and jurisdictions.

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

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

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

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

25 (e) Programs, courses, and services offered by the community colleges  
26 of the University of Alaska as of the effective date of this Act shall be  
27 transferred to the Alaska Community College System.

28 \* Sec. 12. APPOINTMENT OF INITIAL FACULTY AND STUDENT MEMBERS. (a)  
29 Notwithstanding AS 14.41.030, enacted by sec. 2 of this Act, the governor

1 may appoint the initial member of the Board of Trustees from among the  
2 full-time members of the faculty of the Alaska Community College System  
3 without regard to prior nomination by the Board of Trustees. The faculty  
4 member serves the term provided in AS 14.41.050(b).

5 (b) Notwithstanding AS 14.41.040(a), enacted by sec. 2 of this Act,  
6 the governor may appoint the initial member of the Board of Trustees from  
7 among the full-time students of the Alaska Community College System qual-  
8 ified under AS 14.41.040(b) without regard to prior nomination by election.  
9 The student member serves the term provided in AS 14.41.050(b).