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1 IN THE SENATE BY ZHAROFF AND HALFORD

2 SENATE BILL NO. 60

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; 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
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 each
17 semester, and shall have been a teacher within the Alaska Community
18 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 (1) have attended one of the community colleges, an exten-
4 sion center, or an outreach program as a full-time student for at
5 least one academic year before appointment; and

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

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

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

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

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

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

29 Sec. 14.41.070. RULES, VOTES REQUIRED. (a) The board shall

1 prescribe its own rules of procedure.

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

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

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

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

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

28 Sec. 14.41.090. COMPENSATION AND PER DIEM. Members of the board
29 serve without compensation but are entitled to per diem and travel

1 expenses authorized by law for boards under AS 39.20.180.

2 Sec. 14.41.100. POWERS AND DUTIES OF THE BOARD. (a) The board
3 shall

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

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

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

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

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

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

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

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

26 (b) The board may

27 (1) sue and be sued;

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

29 (3) contract and be contracted with;

- 1 (4) adopt, use, and alter a corporate seal;
- 2 (5) accept grants or loans from and contract with the
3 federal government, the state, or its political subdivisions, and
4 comply with the provisions of federal, state, or local programs when
5 necessary;
- 6 (6) adopt reasonable rules, orders, and plans, with reason-
7 able penalties, for the good government of the colleges and for the
8 regulation of the board;
- 9 (7) determine and regulate the course of instruction in the
10 colleges with the advice of the president, the principal campus admin-
11 istrative officers, and the community college councils at each commu-
12 nity college, extension center or outreach program; and
- 13 (8) remove from office an officer or employee of the col-
14 leges by a majority vote of all of the members of the board.

15 ARTICLE 2. ADMINISTRATION.

16 Sec. 14.41.110. CHANCELLOR. (a) The chief executive officer of
17 the board and of the system is the chancellor. The chancellor's
18 primary responsibility is the administration of the community col-
19 leges, extension centers, and outreach programs statewide, working
20 with the principal administrative officers for each community college,
21 extension center, or outreach program.

22 (b) In addition to the chancellor's responsibility for the
23 administration of on-campus programs for the community colleges and
24 extension centers, the chancellor shall develop and administer off-
25 campus educational delivery systems and outreach programs for rural
26 areas of the state.

27 Sec. 14.41.120. POWERS AND DUTIES OF THE CHANCELLOR. (a) The
28 chancellor may

- 29 (1) appoint the faculty and other officers and employees of

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 a president. The
26 president is responsible directly to the chancellor and to the commu-
27 nity college council for the administration of the community college.
28 Subject to the approval of the board, the president shall be appointed
29 by the chancellor, on recommendation of the council for the community

1 college which the president 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 majority of the members of a community college council shall be per-
2 sons served by the programs developed and administered under this
3 chapter. The council shall consist of not less than seven or more
4 than 15 members who shall be broadly representative of the area
5 served, including faculty and student representation and a representa-
6 tive of the city or borough school district or regional educational
7 attendance area. The board may appoint a council for an extension
8 center and for each regional service center, when the center is not
9 integrated with a community college or extension center.

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

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

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

24 (e) A community college council acts

25 (1) in a policy-making capacity with respect to the presi-
26 dent of each community college, coordinator of an extension center, or
27 administrator of an outreach program;

28 (2) in an advisory capacity to the chancellor and to the
29 board.

1 (f) A community college council shall review and make recommen-
2 dations:

3 (1) concerning the selection of the principal administra-
4 tive officer of the community college, extension center, or outreach
5 program;

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

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

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

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

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

22 ARTICLE 3. ESTABLISHMENT OF COMMUNITY COLLEGES.

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

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

29 (1) the governing body of a municipality, or a school

- 1 district;
- 2 (2) petition of interested citizens in the community or
3 area to be served;
- 4 (3) a nonprofit corporation or association;
- 5 (4) the Alaska Commission on Postsecondary Education or the
6 state advisory council on community colleges created by AS 14.42.010 -
7 14.42.055;
- 8 (5) the legislature by concurrent resolution; or
9 (6) the board.

10 Sec. 14.41.190. FEASIBILITY STUDY. (a) A new community college
11 or a new extension center may not be established until a feasibility
12 study as to the need for its establishment in the community or area to
13 be served has been completed either as directed by the board, or by a
14 proponent under AS 14.41.180(b), and approved by the board. The feasi-
15 bility study shall be submitted to the legislature and to the Alaska
16 Commission on Postsecondary Education.

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

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

1 (6) a plan for citizen involvement through a community col-
2 lege council established under AS 14.41.170; and

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

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

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

25 (1) recognition that complete operational authority resides
26 with the community college, extension center, or outreach program,
27 subject to periodic reviews by the cooperating school district,
28 municipality, federal agency, nonprofit corporation or association, or
29 the participating university, and appropriate reports to ensure

1 program description and effective mutual use of facilities;

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

4 (3) provision that local funding of 10 percent or more of
5 each community college's total spending, in addition to student fees
6 or in-kind contributions, shall be provided for support of general
7 education courses or secondary school-related courses as the school
8 district, municipality, federal agency, nonprofit corporation or
9 association, or the participating university considers appropriate;
10 and

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

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

22 Sec. 14.41.220. EXPANSION OF COURSES. The board shall

23 (1) make a continuing study of the feasibility of expanding
24 the system of community colleges, extension centers, and outreach pro-
25 grams in accordance with the criteria set out in AS 14.41.190(b);

26 (2) establish additional extension courses, outreach pro-
27 grams, and other accredited courses for students as it considers ad-
28 visable in accordance with the procedures set out in AS 14.41.180 -
29 14.41.200.

1 ARTICLE 4. FINANCE; FISCAL AND PROPERTY MANAGEMENT.

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

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

11 Sec. 14.41.240. PROPERTY AND FUNDS GENERALLY. (a) Except as
12 otherwise provided in this chapter, the system shall hold and manage
13 all property acquired by it. The Department of Administration, at the
14 request of the board, signed by its chairperson and secretary, shall
15 pay to the treasurer of the board all federal land grant college funds
16 received by the department and subject to requisition by the board.

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

26 Sec. 14.41.250. TRUST POSITION OF BOARD. The board may receive,
27 manage, and invest in any manner money or other property received from
28 sources other than the state legislature or federal appropriation for
29 the purpose of the system, its improvement or adornment, or the aid or

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

3 Sec. 14.41.260. ENDOWMENTS AND DONATIONS. Monetary gifts, be-
4 quests, or endowments that are made to the system for the purpose of
5 the separate trust fund created under AS 14.40.400 shall be trans-
6 ferred from the fund to the Department of Revenue. The Department of
7 Revenue shall manage that money in accordance with AS 14.40.400.
8 Title to and control or possession of land, personal property, and all
9 money other than that transferred to the Department of Revenue, that
10 is devised, bequeathed, or given to the system, shall be taken by the
11 system in its corporate capacity acting by and through the board, or
12 its authorized agent, and shall be entered in the perpetual inventory
13 of the system.

14 Sec. 14.41.270. INVENTORY OF PROPERTY. The board shall maintain
15 a perpetual inventory of all permanent property of the system.

16 Sec. 14.41.280. APPLICABILITY OF STATE PROCUREMENT CODE. The
17 provisions of AS 36.30 (State Procurement Code) apply to the system,
18 except that the provisions of AS 36.30 do not apply in those cases
19 where the work is to be performed substantially by students enrolled
20 in the system. The board shall adopt regulations that are substan-
21 tially equivalent to regulations adopted by the commissioner of admin-
22 istration under AS 36.30.

23 Sec. 14.41.290. WORKING CAPITAL RESERVE FUND. (a) There is
24 established in the treasury of the system a working capital reserve
25 fund. The fund consists of money appropriated by the legislature for
26 the purpose of completion of capital projects for the system and is
27 not available for other use by the board.

28 (b) A quarterly report of all activity of the working capital
29 reserve fund shall be submitted to the Legislative Budget and Audit

1 Committee.

2 Sec. 14.41.300. APPLICABILITY OF CERTAIN FEDERAL LAWS. The pro-
3 visions of AS 14.40.350 - 14.40.450 apply to the system in the same
4 manner they apply to the University of Alaska, to the extent the
5 system is considered the successor to the University of Alaska as a
6 land grant college, or for any other purpose, as a beneficiary of
7 federal grants of land or money under AS 14.40.350 - 14.40.450.

8 ARTICLE 5. GENERAL PROVISIONS.

9 Sec. 14.41.900. PROHIBITIONS. (a) A person may not be deprived
10 of the privileges or services of the system because of age, sex,
11 color, or nationality.

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

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

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. Libraries shall be estab-
6 lished on each community college campus and, when feasible, for an
7 extension center or outreach program. Library services shall be made
8 available, and the library facility shall be open, to the community or
9 area served by the community college.

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

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

23 Sec. 14.41.990. DEFINITIONS. In this chapter

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

26 (2) "chancellor" means the chancellor of the Alaska Commu-
27 nity College System;

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

1 (4) "outreach program" means either an off-campus educa-
2 tional delivery system or program, whether or not conducted in a
3 physical facility, designed for the conduct of instruction in locali-
4 ties in the rural areas of the state where there is no community
5 college or extension center;

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

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

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

14 * Sec. 3. AS 14.40.995(a) is amended to read:

15 (a) The Department of Revenue shall establish a separate fund in
16 which all money derived from the sale or lease of the lands granted
17 under the Act of Congress approved January 21, 1929, and in which all
18 monetary gifts, bequests, or endowments made to the University of
19 Alaska and to the Alaska Community College System for the purpose of
20 the fund, shall be held in trust.

21 * Sec. 4. AS 14.42.015(a) is amended to read:

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

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

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

29 (3) one person representing the Department of Education

1 selected by the state Board of Education;

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

4 (5) one member of the state Advisory Council on Vocational
5 Education designated by the members of that body;

6 (6) two members of the Board of Trustees of the Alaska
7 Community College System designated by the members of that body; and
8 if the state Advisory Council on Community Colleges is a separate and
9 distinct entity from the Board of Trustees, one member of that council
10 designated by its members [ONE PERSON FROM THE MEMBERS OF THE LOCAL
11 COMMUNITY COLLEGE ADVISORY COUNCILS APPOINTED BY THE GOVERNOR];

12 (7) two members from the legislature, one of whom shall be
13 appointed by the president of the senate and one by the speaker of the
14 house of representatives;

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

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

20 * Sec. 5. AS 14.42.030(b) is amended to read:

21 (b) The commission shall

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

27 (2) establish a state advisory council on community col-
28 leges and develop a comprehensive statewide plan for the expansion and
29 improvement of the community colleges under sec. 1001 of Title X of

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

8 (3) serve as the state agency required under secs. 105 of
9 Title I (Community Service and Continuing Education), 603 of Title VI
10 (Financial Assistance for Undergraduate Education) and 704 of
11 Title VII (Construction of Academic Facilities) of the Higher Educa-
12 tion Act of 1965 (PL 89-329; 79 Stat. 1220, 1262; 20 U.S.C. 1005,
13 1123) as authorized by sec. 1202(c) of Title XII of the Higher Educa-
14 tion Act of 1965, as amended by the Education Amendments of 1972
15 (PL 92-318, sec. 196; 86 Stat. 324);

16 (4) administer the provisions of AS 14.43.090 - 14.43.160
17 (student loan program), and serve as the student financial aid commit-
18 tee;

19 (5) administer the provisions of AS 14.48 (regulation of
20 postsecondary educational institutions);

21 (6) resolve any disputes that exist or arise under a con-
22 sortium or other cooperative agreement between institutions of public
23 and private higher education in the state.

24 * Sec. 6. AS 14.43.020 is amended to read:

25 Sec. 14.43.020. APPLICATIONS FOR AND ISSUANCE AND REPORT OF
26 CERTIFICATES. A certificate shall be applied for and issued to a
27 graduate before August 2 of each year and shall be reported immedi-
28 ately to the registrar of the University of Alaska or of the Alaska
29 Community College System by the superintendent or principal issuing

1 it.

2 * Sec. 7. AS 14.43.025 is amended to read:

3 Sec. 14.43.025. FORFEITURE OF SCHOLARSHIP BENEFITS. Failure to
4 do passing work in more than one subject during a semester, or with-
5 drawal or expulsion from the University of Alaska or a community
6 college, constitutes a forfeiture during the following semester or
7 semesters of the benefits of AS 14.43.010 and 14.43.015.

8 * Sec. 8. AS 14.43.030 is amended to read:

9 Sec. 14.43.030. PAYMENT OF SCHOLARSHIPS. Payment of the schol-
10 arships shall be made monthly to the University of Alaska or the
11 community colleges upon vouchers drawn upon the Department of Adminis-
12 tration and duly certified by the treasurer and the president of the
13 Board of Regents of the University of Alaska or the treasurer and
14 chairman of the Board of Trustees of the Alaska Community College
15 System. Payments [. NO PAYMENTS] may not be made in excess of
16 amounts specifically appropriated for this purpose.

17 * Sec. 9. AS 14.43.055 is amended to read:

18 Sec. 14.43.055. SCHOLARSHIPS. The Board of Regents of the
19 University of Alaska and the Board of Trustees of the Alaska Community
20 College System shall offer not more than 15 new scholarships for each
21 academic year to Alaska Natives desiring to attend the University of
22 Alaska or the community colleges. The boards [BOARD] shall give pre-
23 ference to Natives residing in the rural areas of the state who desire
24 to receive training in the field of education. If there are more than
25 15 applications the boards [BOARD] shall award 15 scholarships to
26 those applicants who have the highest scholastic record or who the
27 boards determine [BOARD DETERMINES] are the most qualified among the
28 applicants and who are financially unable to obtain a higher education
29 without assistance. The University of Alaska and the community

1 college shall provide the [SUCH] minimum financial assistance to
2 these students [AS IS] necessary in each individual case, but not
3 exceeding fees, board, and room.

4 * Sec. 10. AS 14.43.060 is amended to read:

5 Sec. 14.43.060. CONTINUATION OF SCHOLARSHIPS. The award of free
6 room and board shall be made from any funds available to the Univer-
7 sity of Alaska or the community colleges. Each Native who receives a
8 scholarship under AS 14.43.050 - 14.43.075 is entitled to retain the
9 scholarship and to receive free room and board during attendance at
10 the university or a community college as long as the student maintains
11 a grade average equivalent to a "C" or better. However, no Native is
12 entitled to the scholarship for more than four years, or for more than
13 the number of years necessary to receive a bachelor's degree.

14 * Sec. 11. AS 37.05 is amended by adding a new section to read:

15 Sec. 37.05.307. APPLICABILITY TO ALASKA COMMUNITY COLLEGE SYS-
16 TEM. The commissioner of administration may delegate the performance
17 of the functions under this chapter as they relate to the Alaska
18 Community College System to the Board of Trustees of the Alaska Commu-
19 nity College System and set out the criteria and guidelines which
20 shall be followed. The commissioner shall direct necessary stipula-
21 tions and exercise monitoring responsibility for conformance through
22 the Board of Trustees of the Alaska Community College System.

23 * Sec. 12. AS 39.25.110(5) is amended to read:

24 (5) officers and employees of the University of Alaska and
25 the Alaska Community College System;

26 * Sec. 13. AS 39.50.200(b) is amended by adding a new paragraph to
27 read:

28 (49) Alaska Community College System Board of Trustees
29 (AS 14.42.020).

1 * Sec. 14. AS 14.40.560 - 14.40.640 are repealed.

2 * Sec. 15. TRANSITION. (a) Under the direction of the Alaska Commis-
3 sion on Postsecondary Education and in cooperation with the Department of
4 Administration and the Department of Revenue, the Board of Regents of the
5 University of Alaska shall redistribute or transfer the property, assets
6 and state or federal funds of the University of Alaska relating to the
7 operation, maintenance, and support of the community colleges within the
8 university to the Alaska Community College System except that shared or
9 adjacent facilities remain under the control of the University of Alaska
10 subject to the provisions of AS 14.41.320.

11 (b) Litigation, hearings, investigations, and other proceedings pend-
12 ing under a law amended for functions that may be transferred by this Act
13 continue in effect and may be continued and completed notwithstanding a
14 transfer or amendment provided for in this Act. Certificates, orders,
15 rules, or regulations issued or filed under authority of a law amended by
16 this Act or functions that may be transferred by this Act, remain in effect
17 for the term issued, unless revoked, vacated, or otherwise modified under
18 the provisions of this Act. Contracts or other obligations created by a
19 law amended by this Act or by virtue of functions that may be transferred
20 by this Act, and in effect on the effective date of this Act, remain in
21 effect unless revoked or modified under the provisions of this Act.

22 (c) Faculty, staff, officers, or employees in the community colleges
23 of the University of Alaska, or those statewide or regional faculty, staff,
24 officers, or employees of the university whose functions, powers, duties,
25 and responsibilities relate in whole or in the major part to community
26 colleges and who were employed on the effective date of this Act shall be
27 terminated by the University of Alaska and shall be rehired by the Alaska
28 Community College System. The Alaska Commission on Postsecondary Education
29 shall assist those community college faculty, staff, officers, or employees

1 of the University of Alaska who are not transferred in finding positions
2 for which they are qualified.

3 (d) The Board of Trustees of the Alaska Community College System
4 succeeds the Board of Regents of the University of Alaska as a party to an
5 existing cooperative agreement between the Board of Regents of the Univer-
6 sity of Alaska and a school district, municipality, or an agency of the
7 federal government, or a nonprofit corporation or association with respect
8 to the establishment, operation, and maintenance of a community college or
9 an extension center. An agreement in effect on the effective date of this
10 Act shall remain in effect until its agreed expiration and may be modified
11 or extended by mutual agreement unless, before the agreed expiration, it is
12 mutually cancelled by the contracting parties in accordance with law.

13 (e) Programs, courses, and services offered by the community colleges
14 of the University of Alaska as of July 1, 1987, shall be transferred to the
15 Alaska Community College System.

16 * Sec. 16. APPOINTMENT OF INITIAL FACULTY AND STUDENT MEMBERS. (a)
17 Notwithstanding AS 14.41.030, enacted by sec. 2 of this Act, the governor
18 may appoint the initial member of the Board of Trustees from among the
19 full-time members of the faculty of the Alaska Community College System
20 without regard to prior nomination by the Board of Trustees. The faculty
21 member serves the term provided in AS 14.41.050(b).

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

27 * Sec. 17. This Act takes effect July 1, 1987.