

HOUSE BILL NO. 562

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE BY REQUEST

Introduced: 3/18/92

Referred: State Affairs, Health, Education & Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the Alaska community college system; and providing for an effective  
2 date."

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

4 \* Section 1. PURPOSE. (a) It is the purpose of this Act to establish community colleges, extension  
5 centers, and outreach programs as parts of a comprehensive statewide system consisting of degree and  
6 nondegree programs of postsecondary and continuing education, established either independently or in  
7 cooperation with the governing bodies of school districts or municipalities in the state, with an agency  
8 of the federal government, or with a nonprofit corporation or association, to increase the opportunity for  
9 obtaining a postsecondary education in the state.

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

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

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

4 (3) general education and public interest courses designed to meet the needs of a  
5 community, to enable a person to expand that person's knowledge, improve the quality of life, or  
6 acquire, change, or update a skill that a person lacks or that has become obsolete; and

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

10 \* Sec. 2. AS 14.25.220(40) is amended to read:

11 (40) "teacher" or "member" means a person eligible to participate in the system  
12 and who is covered by the system, limited to

13 (A) a certificated full-time or part-time elementary or secondary teacher,  
14 a certificated school nurse, or a certificated person in a position requiring a teaching  
15 certificate as a condition of employment in a public school of the state;

16 (B) the commissioner of education and all supervisory positions in the  
17 Department of Education;

18 (C) a full-time or part-time teacher of the University of Alaska or a person  
19 occupying a full-time administrative position at the University of Alaska that [WHICH]  
20 requires academic standing; the approval of the administrator must be obtained before an  
21 administrative position qualifies for membership in the system; however, a teacher or  
22 administrative person at the university who is participating in the optional university  
23 retirement program under AS 14.40.661 - 14.40.799 is not a member under this system;

24 (D) a state legislator who elects membership under AS 14.25.040(b);

25 (E) a full-time or part-time teacher of the Alaska community college  
26 system or a person occupying a full-time administrative position in the Alaska  
27 community college system that requires academic standing; the approval of the  
28 administrator must be obtained before an administrative position qualifies for  
29 membership in the system;

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

31 (a) The Department of Revenue shall establish a separate endowment trust fund in which

1 all net income derived from the sale or lease of the lands granted under the Act of Congress  
2 approved January 21, 1929, and in which all monetary gifts, bequests, or endowments made to  
3 the University of Alaska and to the Alaska community college system for the purpose of the  
4 fund, shall be held in trust.

5 \* Sec. 4. AS 14 is amended by adding a new chapter to read:

6 CHAPTER 41. ALASKA COMMUNITY COLLEGE SYSTEM.

7 ARTICLE 1. GOVERNANCE.

8 Sec. 14.41.010. SYSTEM ESTABLISHED. The Alaska community college system is  
9 established.

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

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

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

17 (1) one board member shall be a resident of the First Judicial District;  
18 (2) two board members shall be residents of the Third Judicial District;  
19 (3) one board member shall be a resident of the Fourth Judicial District;  
20 (4) one board member shall be a resident of the Second Judicial District;  
21 (5) one board member shall be a member of the faculty of a community college,  
22 extension center, or outreach program under the Alaska community college system, appointed  
23 under AS 14.41.030;

24 (6) one board member shall be a student enrolled in a college, extension center,  
25 or outreach program under the Alaska community college system, appointed under AS 14.41.040.

26 Sec. 14.41.030. APPOINTMENT OF FACULTY MEMBER. (a) The faculty member  
27 of the board shall be appointed by the governor. The Board of Trustees may submit a list of  
28 nominees. A list of nominees submitted by the board must consist of the names of at least three  
29 but not more than five full-time community college, extension center, or outreach program faculty  
30 members. The faculty members shall be nominated from the full-time faculty of the community  
31 colleges, extension centers, and outreach programs in the manner prescribed by the board by

1 regulation.

2 (b) The faculty member appointed under this section shall, at the time of appointment,  
3 be teaching at least nine credit hours each semester and shall have been a teacher within the  
4 Alaska community college system for at least two academic years.

5 (c) A faculty member appointed under (a) of this section who fails to maintain full-time  
6 faculty status during the faculty member's term forfeits that office. The governor shall appoint  
7 a successor as provided under (a) of this section.

8 Sec. 14.41.040. APPOINTMENT OF STUDENT MEMBER. (a) The student member  
9 of the board shall be appointed by the governor. The board may submit a list of nominees.  
10 Nominees submitted by the board shall consist of the names of two students from each  
11 community college of the system, and one from each extension center or outreach program, after  
12 an election is held at each college, center, or program site. The elections shall be conducted  
13 under regulations adopted by the board.

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

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

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

19 (c) A student board member appointed under (a) of this section who fails to remain  
20 enrolled as a full-time student at one of the community colleges, extension centers, or outreach  
21 programs during the student's term forfeits that office. The governor shall appoint a successor  
22 as provided under (a) of this section.

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

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

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

30 Sec. 14.41.060. OFFICERS OF THE BOARD. A chair, vice-chair, secretary, and other  
31 officers that the board considers necessary shall be elected from among the members of the board

1 for a one-year term. A member of the board may not serve as chair for more than two  
2 consecutive one-year terms.

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

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

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

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

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

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

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

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

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

31 (2) fix the compensation of the chancellor, faculty, and other officers and

1 employees of the colleges;

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

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

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

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

10 (7) establish management policies within which the principal campus  
11 administrative officers of the community colleges, the extension centers, or outreach programs,  
12 and the community college councils manage and control the operation of the community college,  
13 extension center, or outreach programs; and

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

16 (b) The board may

17 (1) sue and be sued;

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

19 (3) contract and be contracted with;

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

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

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

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

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

31 ARTICLE 2. ADMINISTRATION.

1           **Sec. 14.41.110. CHANCELLOR.** (a) The chief executive officer of the board and of  
2 the system is the chancellor. The chancellor's primary responsibility is the administration of the  
3 community colleges, extension centers, and outreach programs statewide, working with the  
4 principal administrative officers for each community college, extension center, or outreach  
5 program.

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

10           **Sec. 14.41.120. POWERS AND DUTIES OF THE CHANCELLOR.** (a) The chancellor  
11 may

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

15           (2) with the approval of the board, delegate the authority to appoint faculty,  
16 officers, and employees to the principal administrative officer of each community college,  
17 extension center, or outreach program.

18           (b) The chancellor shall

19           (1) subject to the approval of the board, appoint the principal administrative  
20 officer for each community college and extension center on recommendation of the community  
21 college council;

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

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

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

28           **Sec. 14.41.130. SUSPENSION, EXPULSION OF STUDENTS.** The authority to suspend  
29 and expel a student for misconduct or other cause or to reinstate the student is vested solely in  
30 the chancellor. The chancellor may delegate this authority to the principal campus administrative  
31 officer of each community college.

1           **Sec. 14.41.140. CAMPUS ADMINISTRATION.** (a) The principal administrative officer  
2 for each community college is a president. The president is responsible directly to the chancellor  
3 and to the community college council for the administration of the community college. Subject  
4 to the approval of the board, the president shall be appointed by the chancellor on  
5 recommendation of the council for the community college which the president will administer.

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

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

19           **Sec. 14.41.160. FACULTY; COURSE OF INSTRUCTION.** (a) Full-time members of  
20 the faculty and administrative staff of each community college, extension center, and outreach  
21 program are members of the faculty and administrative staff, respectively, of the Alaska  
22 community college system for all purposes.

23           (b) The chancellor is responsible for prescribing the qualifications, and for establishing  
24 the procedure for appointment, of all community college and extension center faculty and  
25 administrative staff.

26           **Sec. 14.41.170. COMMUNITY COLLEGE COUNCIL.** (a) A community college  
27 council shall be established for each community college. The majority of the members of a  
28 community college council shall be persons served by the programs developed and administered  
29 under this chapter. The council shall consist of not less than seven or more than 15 members  
30 who shall be broadly representative of the area served, including faculty and student  
31 representation and a representative of the city or borough school district or regional educational

1 attendance area. The board may appoint a council for an extension center and for each regional  
2 service center when the center is not integrated with a community college or extension center.

3 (b) The board shall prescribe by regulation the method of selection of members of  
4 community college councils, the term of office, and the procedure for removal and for the filling  
5 of vacancies on the councils. Each community college council shall adopt bylaws providing for  
6 the election of officers, establishment of meeting schedules and notices, rules of procedure, and  
7 quorums.

8 (c) Members of a council receive no compensation for their services, but they may be  
9 reimbursed for the expenses incurred in the performance of their duties in the manner prescribed  
10 by the board by regulation.

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

14 (e) A community college council acts

15 (1) in a policy-making capacity with respect to the president of each community  
16 college, coordinator of an extension center, or administrator of an outreach program;

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

18 (f) A community college council shall review and make recommendations

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

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

24 (3) relating to the general operation and management of the community college,  
25 extension center, or outreach program, including

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

29 (B) the level of staffing and funding for these programs, activities, or  
30 facilities; and

31 (C) the means of gaining support for the program of the community

1 college, extension center, or outreach program in that area.

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

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

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

8 (1) the governing body of a municipality or a school district;

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

10 (3) a nonprofit corporation or association;

11 (4) the Alaska Commission on Postsecondary Education or the state advisory  
12 council on community colleges created by AS 14.42.010 - 14.42.055;

13 (5) the legislature by concurrent resolution; or

14 (6) the board.

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

21 (b) The feasibility study required in (a) of this section must include

22 (1) an analysis of the population and educational needs of the municipality, school  
23 district, or area in which the proposed community college is to be located;

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

25 (3) estimated and projected enrollment;

26 (4) proposed core faculty and administrative staffing;

27 (5) a proposed budget for the initial fiscal year of operation together with a  
28 statement of sources of financial support required for core faculty and administrative staff,  
29 curriculum, and other programs and activities, and physical facilities;

30 (6) a plan for citizen involvement through a community college council  
31 established under AS 14.41.170; and

1 (7) a proposed agreement with the school district, municipality, or federal agency  
2 or a nonprofit corporation or association under AS 14.41.210.

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

11 Sec. 14.41.210. RELATIONSHIP WITH SCHOOL DISTRICT, MUNICIPALITY,  
12 FEDERAL AGENCY. (a) A community college may establish, operate, and maintain, or enter  
13 into a cooperative agreement with an agency of the federal government, a school district, a  
14 municipality, or a nonprofit corporation or association for the establishment, operation, and  
15 maintenance of, appropriate public postsecondary and continuing educational programs and  
16 activities in community colleges, extension centers, outreach programs, or by other means. An  
17 agreement entered into under this section must include

18 (1) recognition that complete operational authority resides with the community  
19 college, extension center, or outreach program, subject to periodic reviews by the cooperating  
20 school district, municipality, federal agency, nonprofit corporation or association, or the  
21 participating university, and appropriate reports to ensure program description and effective  
22 mutual use of facilities;

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

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

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

31 (b) If separate facilities are financed, constructed, or maintained from federal, state, or

1 private funds for programs and activities of the community college, extension center, or outreach  
2 program, the board has title to and control of the separate facilities used for these purposes. If  
3 separate facilities are financed, constructed, or maintained from school district, municipality, or  
4 nonprofit corporation or association funds for community college or extension center or outreach  
5 programs and activities, the school district, municipality, or nonprofit corporation or association  
6 has title to and control of the separate facilities used for these purposes.

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

8 (1) make a continuing study of the feasibility of expanding the system of  
9 community colleges, extension centers, and outreach programs under the criteria set out in  
10 AS 14.41.190(b);

11 (2) establish additional extension courses, outreach programs, and other accredited  
12 courses for students as it considers advisable under the procedures set out in AS 14.41.180 -  
13 14.41.200.

14 ARTICLE 4. FINANCE; FISCAL AND PROPERTY MANAGEMENT.

15 Sec. 14.41.230. FINANCE. (a) The board shall prepare a complete program budget for  
16 each community college, extension center, and outreach program including all courses, programs,  
17 and activities regardless of the source of funding, including funds from fees, grants, contracts,  
18 agreements, bequests, gifts, trusts, or endowments.

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

21 Sec. 14.41.240. PROPERTY AND FUNDS GENERALLY. (a) Except as otherwise  
22 provided in this chapter, the system shall hold and manage all property acquired by it. The  
23 Department of Administration, at the request of the board, signed by its chair and secretary, shall  
24 pay to the treasurer of the board all federal land grant college funds received by the department  
25 and subject to requisition by the board.

26 (b) All funds appropriated by the legislature for the establishment and support of the  
27 system, including the construction, operation, and maintenance of its facilities, shall, at the  
28 request of the board signed by its chair and secretary, be paid by the Department of  
29 Administration to the treasurer of the board. The treasurer of the board shall disburse these funds  
30 on properly drawn vouchers signed by its chair and secretary or by the administrative officer of  
31 the system to whom the board delegates the performances of this function.

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

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

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

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

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

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

27           Sec. 14.41.300. APPLICABILITY OF CERTAIN FEDERAL LAWS. The provisions of  
28 AS 14.40.350 - 14.40.450 apply to the system in the same manner they apply to the University  
29 of Alaska, to the extent the system is considered the successor to the University of Alaska as a  
30 land grant college or for any other purpose, as a beneficiary of federal grants of land or money  
31 under AS 14.40.350 - 14.40.450.



1 or association shall be operated and maintained under regulations adopted by the board.

2       **Sec. 14.41.950. APPLICABILITY OF CERTAIN RETIREMENT LAWS.** The provisions  
3 of AS 14.25 regarding the teachers' retirement system apply to a teacher in the Alaska  
4 community college system. The provisions of AS 39.35 regarding the public employees'  
5 retirement system apply to a person employed by the Alaska community college system who is  
6 not a teacher.

7       **Sec. 14.41.990. DEFINITIONS.** In this chapter,

8               (1) "board" means the Board of Trustees of the Alaska Community College  
9 System;

10              (2) "chancellor" means the chancellor of the Alaska community college system;

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

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

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

20              (6) "system" means the Alaska community college system.

21       **Sec. 14.41.995. SHORT TITLE.** This chapter may be cited as the Alaska Community  
22 College System Act.

23 \* **Sec. 5.** AS 14.42.015(a) is amended to read:

24              (a) There is in the Department of Education the Alaska Commission on Postsecondary  
25 Education consisting of

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

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

31                      (3) one person representing the Department of Education selected by the state

1 Board of Education;

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

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

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

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

14 (8) one person appointed in accordance with (e) of this section who is a full-time  
15 student as defined in AS 14.43.160(3);

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

18 \* Sec. 6. AS 14.42.030(b) is amended to read:

19 (b) The commission shall

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

24 (2) establish a state advisory council on community colleges and develop a  
25 comprehensive statewide plan for the expansion and improvement of the community colleges  
26 under sec. 1001 of Title X of the Higher Education Act of 1965, as amended by the Education  
27 Amendments of 1972 (P.L. 92-318, sec. 186; 86 Stat. 312, 313); however, to avoid the  
28 establishment of duplicate agencies, the commission may designate the Board of Trustees  
29 of the Alaska community college system as the state Advisory Council on Community  
30 Colleges if the composition of the board's membership meets the requirements of applicable  
31 federal law or regulation;

1 (3) serve as the state agency required under sec. 105 of Title I (Community  
2 Service and Continuing Education), 603 of Title VI (Financial Assistance for Undergraduate  
3 Education), 704 of Title VII (Construction of Academic Facilities), and Part B of Title IV  
4 (Guaranteed Student Loan Program) of the Higher Education Act of 1965 (P.L. 89-329; 79 Stat.  
5 1220, 1262; 20 U.S.C. 1005, 1123) as authorized by sec. 1202(c) of Title XII of the Higher  
6 Education Act of 1965, as amended by the Education Amendments of 1972 (P.L. 92-318, sec.  
7 196; 86 Stat. 324);

8 (4) administer the provisions of AS 14.43.090 - 14.43.160 (student loan program);

9 (5) administer the provisions of AS 14.48 (regulation of postsecondary educational  
10 institutions);

11 (6) resolve any disputes that exist or arise under a consortium or other cooperative  
12 agreement between institutions of public and private higher education in the state.

13 \* Sec. 7. AS 14.43.020 is amended to read:

14 Sec. 14.43.020. APPLICATIONS FOR AND ISSUANCE AND REPORT OF  
15 CERTIFICATES. A certificate shall be applied for and issued to a graduate before August 2 of  
16 each year and shall be reported immediately to the registrar of the University of Alaska or of the  
17 Alaska community college system by the superintendent or principal issuing it.

18 \* Sec. 8. AS 14.43.025 is amended to read:

19 Sec. 14.43.025. FORFEITURE OF SCHOLARSHIP BENEFITS. Failure to do passing  
20 work in more than one subject during a semester, or withdrawal or expulsion from the University  
21 of Alaska or a community college, constitutes a forfeiture during the following semester or  
22 semesters of the benefits of AS 14.43.010 and 14.43.015.

23 \* Sec. 9. AS 14.43.030 is amended to read:

24 Sec. 14.43.030. PAYMENT OF SCHOLARSHIPS. Payment of the scholarships shall  
25 be made monthly to the University of Alaska or the community college upon vouchers drawn  
26 upon the Department of Administration and duly certified by the treasurer and the president of  
27 the Board of Regents of the University of Alaska or the treasurer and chair of the Board of  
28 Trustees of the Alaska community college system. Payments may not be made in excess of  
29 amounts specifically appropriated for this purpose.

30 \* Sec. 10. AS 14.43.055 is amended to read:

31 Sec. 14.43.055. SCHOLARSHIPS. The Board of Regents of the University of Alaska

1 **and the Board of Trustees of the Alaska Community College System** shall offer not more than  
2 15 new scholarships for each academic year to Alaska Natives desiring to attend the University  
3 of Alaska **or the community colleges**. The **boards** [BOARD] shall give preference to Natives  
4 residing in the rural areas of the state who desire to receive training in the field of education.  
5 If there are more than 15 applications, the **boards** [BOARD] shall award 15 scholarships to those  
6 applicants who have the highest scholastic record or who the **boards determine** [BOARD  
7 DETERMINES] are the most qualified among the applicants and who are financially unable to  
8 obtain a higher education without assistance. The University of Alaska **and the community**  
9 **college** shall provide **the** [SUCH] minimum financial assistance to these students [AS IS]  
10 necessary in each individual case, but not exceeding fees, board and room.

11 \* Sec. 11. AS 14.43.060 is amended to read:

12 Sec. 14.43.060. CONTINUATION OF SCHOLARSHIPS. The award of free room and  
13 board shall be made from any funds available to the University of Alaska **or the community**  
14 **colleges**. Each Native who receives a scholarship under AS 14.43.050 - 14.43.075 is entitled to  
15 retain the scholarship and to receive free room and board during attendance at the University of  
16 Alaska **or a community college** as long as the student maintains a grade average equivalent to  
17 a "C" or better. However, **a** [NO] Native is **not** entitled to the scholarship for more than four  
18 years, or for more than the number of years necessary to receive a bachelor's degree.

19 \* Sec. 12. AS 37.05 is amended by adding a new section to read:

20 Sec. 37.05.912. APPLICABILITY TO ALASKA COMMUNITY COLLEGE SYSTEM.  
21 The commissioner of administration may delegate the performance of the functions under this  
22 chapter as they relate to the Alaska community college system to the Board of Trustees of the  
23 Alaska Community College System and set out the criteria and guidelines that shall be followed.  
24 The commissioner shall direct necessary stipulations and exercise monitoring responsibility for  
25 conformance through the Board of Trustees of the Alaska Community College System.

26 \* Sec. 13. AS 39.25.110(5) is amended to read:

27 (5) officers and employees of the University of Alaska **and the Alaska**  
28 **community college system**;

29 \* Sec. 14. AS 39.50.200(b) is amended by adding a new paragraph to read:

30 (54) Alaska community college system Board of Trustees (AS 14.41.020).

31 \* Sec. 15. AS 14.40.560, 14.40.570, 14.40.580, 14.40.590, 14.40.600, 14.40.610, 14.40.620,

1 14.40.630, and 14.40.640 are repealed.

2 \* **Sec. 16. TRANSITION.** (a) Under the direction of the Alaska Commission on Postsecondary  
3 Education and in cooperation with the Department of Administration and the Department of Revenue,  
4 the Board of Regents of the University of Alaska shall redistribute or transfer the property, assets, and  
5 state or federal funds of the University of Alaska relating to the operation, maintenance, and support of  
6 a community college system, to the Alaska community college system, except that shared or adjacent  
7 facilities remain under the control of the University of Alaska subject to the provisions of AS 14.41.910.

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

16 (c) Faculty, staff, officers, or employees in the community colleges of the University of Alaska,  
17 or those statewide or regional faculty, staff, officers, or employees of the university whose functions,  
18 powers, duties, and responsibilities relate in whole or in the major part to community colleges and who  
19 were employed on the effective date of this Act shall be terminated by the University of Alaska and shall  
20 be rehired by the Alaska community college system. The Alaska Commission on Postsecondary  
21 Education shall assist those community college faculty, staff, officers, or employees of the University  
22 of Alaska who are not transferred in finding positions for which they are qualified.

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

31 (e) Programs, courses, and services that were offered by the community colleges of the

1 University of Alaska as of June 30, 1987, shall be transferred to the Alaska community college system.

2 \* Sec. 17. APPOINTMENT OF INITIAL BOARD MEMBERS. (a) Notwithstanding  
3 AS 14.41.020(b), enacted by sec. 4 of this Act, the initial members of the Board of Trustees are not  
4 required to be residents of a community where there is a community college, extension center, or  
5 outreach program for one year before the appointment.

6 (b) Notwithstanding AS 14.41.030(b), enacted by sec. 4 of this Act, the governor may appoint  
7 the initial faculty member of the Board of Trustees from among the full-time members of the faculty  
8 of the University of Alaska. The faculty member serves the term provided in AS 14.41.050(b).

9 (c) Notwithstanding AS 14.41.040(b), enacted by sec. 4 of this Act, the governor may appoint  
10 the initial student member of the Board of Trustees from among the full-time students of the Alaska  
11 community college system without regard to prior attendance at a community college, extension center,  
12 or outreach program. The student member serves the term provided in AS 14.41.050(b).

13 \* Sec. 18. This Act takes effect July 1, 1992.