

Alaska State Legislature

House of Representatives



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House Bill 6: Removing a Regent Sectional Analysis

Section 1¹ sets forth the legislative findings and purposes of the bill. The legislature finds that the framers of the Alaskan Constitution intended to insulate the University of Alaska from politics, that the legislature delegated the power of self-governance to the UA under AS 14.40.170(b), and that the legislature has the power to create a statutory procedure for the to remove a regent for good cause. The purposes of the bill are to clarify that the governor may remove a regent for good cause, and that the governor may not remove a regent in the absence of good cause. Finally, the legislative findings in this section affirm the political insulation of the university and the board of regents.

Section 2² adds a new section, AS 14.40.155, to AS 14.40 the chapter that governs the University of Alaska's Board of Regents. AS 14.40.155 is patterned after other statutory removal procedures for other boards, including the workers compensation appeals commission. See AS 23.30.007(j).

AS 14.40.155(a) sets forth the procedure for the governor to remove a regent for good cause. The governor must provide the regent with the reasons for removal, and an opportunity for a hearing with at least 30 days notice. Good cause is defined in subsection (g) to include a violation of the Executive Branch Ethics Act, a conviction of a felony, conviction of a misdemeanor involving a crime of dishonesty or the University of Alaska, nonfeasance in office, or failure to continue to meet the qualification requirements of a regent.

AS 14.40.155(b) requires the governor to file with the lieutenant governor a complete record of the removal proceedings, including a decision detailing the governor's findings.

AS 14.40.155(c) and (e) detail the procedure for the governor to suspend a regent. The governor must provide the regent with notice and an opportunity to be heard. The governor may suspend a regent who has been indicted for a felony, charged with a misdemeanor for a crime involving dishonesty or the University of Alaska, or for allegations of nonfeasance in office. However, the suspension may be lifted following a dismissal of the allegations at the hearing.

¹ Page 1, lines 5-14 through page 2, lines 1-16

² Page 2, lines 17-31 through page 3, lines 1-28

AS 14.40.155(d) allows a suspended regent to request a hearing to lift the suspension.
AS 14.40.155(f) permits the governor to delegate the conduct of the hearing to the Office of Administrative Hearings.

Because this law deals with the conduct of the board of regents during their entire term in office it must apply retroactively to ensure that past violations do not go unchecked. **Section 3**³ is an applicability clause that allows AS 14.40.155 to apply to conduct occurring before, on or after the effective date of this Act.

³ Page 3, lines 29-31 through page 4, line 1