

# Alaska State Legislature

## House of Representatives



**Representative Max F. Gruenberg, Jr.**

**House District 20**

**Anchorage (Mountain View, Russian Jack, East Anchorage)**

**House Minority Floor Leader**

*Member*

*Standing Committees:*

Judiciary

Rules

State Affairs

Transportation

*Interim:*

716 W 4<sup>th</sup> Avenue, Rm 350  
Anchorage, Alaska 99501-2133

*Phone:* (907) 269-0123

*Fax:* (907) 269-0124

*Session:*

Alaska State Capitol, Rm 110  
Juneau, Alaska 99801-1182

*Phone:* (907) 465-4940

*Toll Free:* (866) 465-4940

*Fax:* (907) 465-3766

*Email:*

Rep.Max.Gruenberg@legis.state.ak.us

### **House Bill 6:**

### **Removing a Regent**

### **Sectional Analysis for CS HB 6 (JUD) (27-LS0027\O)**

**Section 1<sup>1</sup>** 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 laws that pertain to the university. The purposes of the bill are to clarify that the governor may only suspend or remove a regent with good cause and that the governor must afford a regent procedural due process. Finally, the legislative findings in this section affirm the insulation of the university and the board of regents from the executive and legislative branches and from politics in the suspension or removal of regents.

**Section 2<sup>2</sup>** adds a new section, AS 14.40.155, to AS 14.40, the chapter which governs the University of Alaska Board of Regents. AS 14.40.155 is patterned after statutory removal procedures for certain other boards, such as the Workers Compensation Appeals Commission. See AS 23.30.007(j).

AS 14.40.155(a) sets forth the procedure for the governor to suspend a regent. The governor must provide the regent with notice and an opportunity for a hearing.

AS 14.40.155(b) allows the governor to remove a regent for good cause by providing the regent with a charging document (an "accusation") and the opportunity for a hearing and for judicial review. Good cause is defined in subsection (g) to include a violation of the Executive Branch Ethics Act that results in a recommendation of removal, a conviction of a felony, conviction of a misdemeanor involving a crime of dishonesty or the University of Alaska, malfeasance or nonfeasance in office, or failure to continue to meet the qualification requirements of a regent.

AS 14.40.155(c) allows a regent to request, at any time, a hearing to either defend against a possible suspension, or lift a suspension once it has been imposed.

AS 14.40.155(d) permits the governor to delegate the conduct of the hearing to the Office of Administrative Hearings. The standard of proof to be used in the hearing for removal for "good

<sup>1</sup> Page 1, lines 5-14 through page 2, lines 1-11

<sup>2</sup> Page 2, lines 12-31 through page 4, lines 1-3

cause” is “clear and convincing” evidence, one of the highest standards of proof that is required in civil suits.

AS 14.40.155(e) states that the Administrative Procedures Act (AS 44.62.330-44.62.630) applies to all of the proceedings of this section.

AS 14.40.155(f) requires the governor to file a copy of the accusation, the findings on each allegation in the accusation, and a complete record of the removal and/or suspension proceedings with the lieutenant governor.

**Section 3**<sup>3</sup> is an applicability clause that allows AS 14.40.155 to apply to conduct occurring before, on or after the effective date of the Act.

---

<sup>3</sup> Page 4, lines 4-7