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Alaska State Legislature

House of Representatives

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House Bill 6: Removing a Regent Sectional Analysis for CS for HB 6 () (27-LS0027|D)

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 laws that pertain to the university. The purposes of the bill are to clarify that the governor may only remove a regent with good cause and that the governor must afford a regent due process in the proceedings dealing his or her removal or suspension. 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 suspend a regent for good cause. The governor must provide the regent with notice and an opportunity for a hearing. 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, malfeasance or nonfeasance in office, or failure to continue to meet the qualification requirements of a regent.

AS 14.40.155(b) allows the governor to remove a regent for good cause by providing the regent with an accusation and opportunity for a hearing and judicial review.

AS 14.40.155(c) details the procedure for a regent 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 cause" is "clear and convincing," one of the highest standards.

¹ Page 1, lines 5-14 through page 2, lines 1-11

² Page 2, lines 12-31 through page 3, lines 1-30

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) sets out that the governor must file a copy of the allegations against the regent, the findings of the governor, and a complete record of the removal proceedings with the lieutenant governor.

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, line 31 through page 4, lines 1-3