

27-LS0027\D

Mischel

2/9/11

CS FOR HOUSE BILL NO. 6()**IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTY-SEVENTH LEGISLATURE - FIRST SESSION****BY****Offered:****Referred:****Sponsor(s): REPRESENTATIVES GRUENBERG, Peggy Wilson****A BILL****FOR AN ACT ENTITLED**

1 **"An Act authorizing the governor to remove or suspend a member of the Board of**
2 **Regents of the University of Alaska for good cause; and establishing a procedure for the**
3 **removal or suspension of a regent."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** The uncoded law of the State of Alaska is amended by adding a new section
6 to read:

7 **LEGISLATIVE FINDINGS AND PURPOSES.** (a) The legislature finds that

8 (1) the framers of the Constitution of the State of Alaska intended to insulate
9 the University of Alaska and the Board of Regents from politics, but did not intend to
10 immunize the University of Alaska and the Board of Regents from appropriate nonpolitical
11 legislative and executive branch oversight;

12 (2) the legislature has the power to pass laws that pertain to the University of
13 Alaska; and

14 (3) under AS 14.40.170(b)(1), the legislature has delegated to the Board of

1 Regents the power to regulate itself, but the Board of Regents has not adopted self-
2 governance rules that authorize the board to remove or suspend a regent in appropriate
3 circumstances.

4 (b) The purposes of AS 14.40.155, added by sec. 2 of this Act, are to

5 (1) clarify that the governor may remove a regent only with good cause;

6 (2) prescribe a due process procedure under which the governor may remove a
7 regent for good cause;

8 (3) prescribe a due process procedure under which, in certain circumstances,
9 the governor may suspend a regent; and

10 (4) accomplish each of the above purposes in a manner that ensures the
11 University of Alaska and the Board of Regents remain insulated from politics.

12 * **Sec. 2.** AS 14.40 is amended by adding a new section to read:

13 **Sec. 14.40.155. Suspension and removal of regents.** (a) The governor may,
14 after providing notice and an opportunity for a hearing, suspend a member of the
15 Board of Regents while final disposition is pending on

16 (1) a criminal complaint, presentment, information, or indictment
17 involving a felony in any jurisdiction;

18 (2) an information or formal criminal charges of a misdemeanor
19 described under (g)(3) of this section;

20 (3) allegations of an ethics violation described under (g)(1) of this
21 section under consideration by the Alaska Public Offices Commission; or

22 (4) allegations of malfeasance or nonfeasance in office described under
23 (g)(4) of this section under consideration by the governor.

24 (b) The governor may remove a member of the Board of Regents for good
25 cause by providing to the member an accusation and an opportunity for a hearing and
26 judicial review.

27 (c) Notwithstanding the procedure under AS 44.62.390, a regent who has been
28 suspended under (a) of this section may, at any time, request a hearing to

29 (1) defend against the grounds for the suspension stated in the
30 accusation; or

31 (2) lift the suspension.

(d) The governor may delegate the conduct of a hearing under this section to the office of administrative hearings under AS 44.64.030(b). If a hearing is requested, the hearing officer may prepare a proposed decision under AS 44.62.500(b) to

(1) remove a regent based on clear and convincing evidence of good cause for removal;

(2) not remove a regent; or

(3) continue a suspension or lift a suspension of a regent.

(e) AS 44.62.330 - 44.62.630 applies to all proceedings under this section.

(f) After a final decision by the governor that removes a regent for good cause under (b) of this section, the governor shall file with the lieutenant governor a copy of the allegations made against the former regent, the governor's findings on each of the allegations, and a complete record of the removal proceedings.

(g) In this section, "good cause" means

(1) a violation of AS 39.52 (Alaska Executive Branch Ethics Act);

(2) conviction of a felony in any jurisdiction;

(3) conviction of a misdemeanor in any jurisdiction if the misdemeanor involves

(A) dishonesty;

(B) breach of trust; or

(C) the University of Alaska;

(4) malfeasance or nonfeasance in office, including

(A) misconduct in office;

(B) an inability to serve;

(C) neglect of duty;

(D) incompetence;

(E) unjustified failure to perform the duties of the Board of Regents;

(5) misconduct resulting in the revocation or suspension of a professional or occupational license issued under state law;

(6) failure to possess the qualifications of a regent under AS 14.40.130.

* **Sec. 3.** The uncoded law of the State of Alaska is amended by adding a new section to

- 1 read:
- 2 APPLICABILITY. AS 14.40.155, added by sec. 2 of this Act, applies to all conduct
- 3 and acts occurring before, on, or after the effective date of this Act.