

HOUSE BILL NO. 357

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE VAZQUEZ

Introduced: 2/24/16

Referred: Education, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Board of Education and Early Development; and relating to the**
2 **Board of Regents of the University of Alaska."**

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

4 * **Section 1.** AS 14.07.075 is amended to read:

5 **Sec. 14.07.075. Creation.** There is created at the head of the Department of
6 Education and Early Development a Board of Education and Early Development
7 consisting of seven voting members and two nonvoting members.

8 * **Sec. 2.** AS 14.07.085 is amended to read:

9 **Sec. 14.07.085. Appointment of members.** (a) The seven voting members of
10 the board, not [NO] more than four of whom shall be members of the same political
11 party as the governor, shall be appointed by the governor, subject to confirmation by a
12 majority of the members of the legislature in joint session. In appointing board
13 members, the governor shall consider recommendations made by recognized
14 educational associations in the state.

(b) One voting member shall be appointed from each of the four judicial districts and three from the state at large with at least one voting member representing regional educational attendance areas.

(c) The voting members are entitled to the expenses, travel, and per diem allowances provided by law.

(d) A voting member may act and receive compensation from the date of appointment until confirmation or rejection by the legislature.

* **Sec. 3.** AS 14.07.085 is amended by adding a new subsection to read:

(e) The two nonvoting members shall be members of the legislature. The speaker of the house of representatives shall appoint one nonvoting member who is a member of the house of representatives and who serves at the pleasure of the speaker of the house. The president of the senate shall appoint one nonvoting member who is a member of the senate and who serves at the pleasure of the president of the senate.

* **Sec. 4.** AS 14.07.095 is amended to read:

Sec. 14.07.095. Term of office. The voting members of the board shall be appointed for overlapping five-year terms commencing on the March 1 following the date of the member's appointment. Except as provided in AS 39.05.080(4), a member appointed to fill a vacancy serves for the unexpired term of the member whose vacancy is filled. A vacancy occurring during a term of office is filled in the same manner as the original appointment.

* **Sec. 5.** AS 14.07.105 is amended to read:

Sec. 14.07.105. Quorum and chair. (a) Four voting members constitute a quorum.

(b) The board shall designate one voting member of the board as the chairperson who serves as chair of the board at the pleasure of the board.

* **Sec. 6.** AS 14.07.115 is amended to read:

Sec. 14.07.115. Removal. Voting members [MEMBERS] of the board serve at the pleasure of the governor.

* **Sec. 7.** AS 14.40.120 is amended to read:

Sec. 14.40.120. University governed by Board of Regents. The University of Alaska shall be governed by a Board of Regents consisting of 11 voting regents and

1 **two nonvoting regents.**

2 * **Sec. 8.** AS 14.40.140 is amended to read:

3 **Sec. 14.40.140. Term of office.** Except for a student regent as specified in
 4 AS 14.40.150(b) **and a nonvoting regent as specified in AS 14.40.150(c),** the term of
 5 office of a regent is eight years. The term of office begins on the first Monday in
 6 February of the year in which the appointment is made. Each regent serves until a
 7 successor is appointed and qualifies.

8 * **Sec. 9.** AS 14.40.150 is amended to read:

9 **Sec. 14.40.150. Appointment of regents.** (a) The governor shall appoint the
 10 **voting** regents subject to confirmation by a majority of all the members of the
 11 legislature in joint session. The names of those appointed shall be sent to the
 12 legislature within five days after the opening of the session, for confirmation or
 13 rejection. If a person appointed is not confirmed by a majority vote of all the members
 14 of the legislature, the appointment ceases and the name of another person shall be
 15 submitted within three days after the rejection. If the legislature adjourns without
 16 confirming the nominee, or if an interim vacancy occurs, the governor may appoint a
 17 qualified person to fill the vacancy. However, the person who has failed to be
 18 confirmed may not be appointed. The term of office of the appointee expires on the
 19 fifth day of the session of the legislature following the appointment.

20 (b) At least one **voting** member of the Board of Regents must be a student.
 21 The student shall be appointed from a list of nominees submitted to the governor. The
 22 governor shall make the appointment from the list within 60 days after it is submitted.
 23 The list shall consist of the names of two students from each campus of the University
 24 of Alaska after an election is held at each campus. Elections shall be conducted under
 25 rules established by the Office of the Governor. The term of office of the regent
 26 appointed from the general student body, University of Alaska, is for two years. The
 27 term of office begins June 1 of the year in which the appointment is made. An
 28 appointment made under AS 14.40.130(d) shall be for the unexpired term of the
 29 original appointee. The term "campus" used in this subsection means a portion of the
 30 University of Alaska designated as a "campus" by the Board of Regents.

31 * **Sec. 10.** AS 14.40.150 is amended by adding a new subsection to read:

(c) The two nonvoting regents shall be members of the legislature. The speaker of the house of representatives shall appoint one nonvoting regent who is a member of the house of representatives and who serves at the pleasure of the speaker of the house. The president of the senate shall appoint one nonvoting regent who is a member of the senate and who serves at the pleasure of the president of the senate.

* **Sec. 11.** AS 14.40.155(a) is amended to read:

(a) The governor may, after providing notice and an opportunity for a hearing, suspend a voting member of the Board of Regents while a final disposition is pending on

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

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

(3) a probable cause determination of a knowing ethics violation under AS 39.52 that results in an accusation under consideration before the personnel board;

(4) a written complaint under consideration before the governor, signed under oath by the person making the complaint, that alleges malfeasance or nonfeasance in office as described in (g)(4) of this section, if the governor determines, after an investigation, that there is probable cause to believe that malfeasance or nonfeasance in office has occurred; a determination of probable cause under this paragraph

(A) must specify with particularity the factual basis for the determination;

(B) must include objective evidence of substantial and material malfeasance or nonfeasance; and

(C) may not be based on political differences or the discretionary performance of a lawful act or a prescribed duty; or

(5) a formal allegation or charge by a professional or occupational licensing body alleging or finding a violation of licensing statutes or regulations that is related to the regent's ability or fitness to serve as a regent.

* **Sec. 12.** AS 14.40.155(b) is amended to read:

1 (b) The governor may remove a **voting** member of the Board of Regents for
2 good cause by providing to the member an accusation and an opportunity for a hearing
3 and judicial review.

4 * **Sec. 13.** AS 14.40.200 is amended to read:

5 **Sec. 14.40.200. Quorum.** Corporate business may not be transacted at any
6 meeting of the Board of Regents unless at least six **voting** regents are present, the
7 majority of the **voting members of the** whole board to approve the same.

8 * **Sec. 14.** AS 14.40.230 is amended to read:

9 **Sec. 14.40.230. Powers of regents to remove officers.** The Board of Regents
10 may remove from office any officer of the University of Alaska by a majority vote of
11 the **voting members of the** whole board when in its judgment the good of the
12 university requires it.