

**ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON EDUCATION**

March 25, 2003
11:04 a.m.

MEMBERS PRESENT

Representative Carl Gatto, Chair
Representative Paul Seaton, Vice Chair
Representative Dan Ogg
Representative Peggy Wilson
Representative Les Gara
Representative Mary Kapsner

MEMBERS ABSENT

Representative Kelly Wolf

COMMITTEE CALENDAR

HOUSE BILL NO. 72

"An Act relating to the qualifications and appointment of members of the Board of Regents of the University of Alaska; and providing for an effective date."

- MOVED CSHB 72(EDU) OUT OF COMMITTEE

PREVIOUS ACTION

BILL: HB 72

SHORT TITLE:BOARD OF REGENTS QUALIFICATIONS

SPONSOR(S): REPRESENTATIVE(S)GUTTENBERG

Jrn-Date	Jrn-Page		Action
02/05/03	0130	(H)	READ THE FIRST TIME - REFERRALS
02/05/03	0130	(H)	EDU, HES
03/25/03		(H)	EDU AT 11:00 AM CAPITOL 124

WITNESS REGISTER

REPRESENTATIVE DAVID GUTTENBERG
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As sponsor of HB 72, explained the purpose of the bill and answered questions from the members.

CHIP WAGONER

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 72 and answered questions from the committee.

JENNIFER LESH, Legislative Affairs Director

Coalition of Student Leaders

University of Alaska Southeast

Petersburg, Alaska

POSITION STATEMENT: Testified in support of HB 72 and answered questions from the committee.

KACI HAMILTON, Student

University of Alaska Southeast

Juneau, Alaska

POSITION STATEMENT: As a student at the University of Alaska Southeast, testified in support of HB 72.

SAHAR GHORBANPOUR, Student Ambassador

University of Alaska Southeast

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 72 and answered questions from the committee.

ACTION NARRATIVE

TAPE 03-15, SIDE A

Number 0001

CHAIR CARL GATTO called the House Special Committee on Education meeting to order at 11:04 a.m. Representatives Gatto, Seaton, Ogg, and Gara were present at the call to order. Representatives Wilson and Kapsner arrived as the meeting was in progress.

HB 72-BOARD OF REGENTS QUALIFICATIONS

Number 0084

CHAIR GATTO announced that the only order of business would be HOUSE BILL NO. 72, "An Act relating to the qualifications and appointment of members of the Board of Regents of the University of Alaska; and providing for an effective date."

CHAIR GATTO introduced and welcomed Representative Dan Ogg as the newest member of the committee.

CHAIR GATTO explained that this bill allows for there to be two student members of the Board of Regents, one which will be a voting member and the other a nonvoting member. Theoretically, the nonvoting member would be in training the first year and become the voting member the next year.

Number 0211

REPRESENTATIVE DAVID GUTTENBERG, Alaska State Legislature, as sponsor of HB 72, explained the purpose of the bill and answered questions from the members. He said this bill is in response to a situation that occurred last year when a student regent was not confirmed by the legislature. He said he represents the university district in Fairbanks, where the students came to him and asked him to look for a way to address the frustration they experienced with the legislature for not confirming that student regent.

REPRESENTATIVE GUTTENBERG told the committee the students had a bill drafted that said there would be two student regents. There were problems with this legislation because having two student regents would mean that there would be 12 regents, an even number, and that does not work. So in thinking about what some of the questions were, the concept of having each student regent serve a two-year term emerged. In the past there have been times when a student regent resigned or stepped down for various reasons, and if there were two student regents, there would always be one there. He said if there are two regents and they serve alternating years, where one is appointed in the first year, a junior student regent, then the next year that regent would move up to the senior student regent position. Then a new one comes on and serves as the junior student regent. During the first year the regent would not have voting rights, but would be allowed to participate. This process would accomplish a few things. It allows the opportunity to catch up faster without any pressure, and allows more students to have the opportunity to have "student regent" on their resumes. These students are highly motivated and focused. While student regents serve for two years, the rest of the Board of Regents serves eight years. It is a considerable difference. Representative Guttenberg told the committee he thinks this is a good way to address the problem. It is a policy call by the legislature to address the situation that has happened to the student regents and give them more opportunities.

Number 0453

CHAIR GATTO asked about the nonvoting student regent's ability to vote in subcommittee meetings.

REPRESENTATIVE GUTTENBERG responded that the junior regent can vote in subcommittees, and the senior regent has full voting privileges. He commented that the junior regent participates in everything except votes by the full body, and as the members know, a considerable amount of work and influence can be done in subcommittees.

CHAIR GATTO commented that it is clear how the succession from junior to senior regent works, but what happens if both regents leave office at the same time and there are two new regents. He asked what method determines the senior and the junior regent.

REPRESENTATIVE GUTTENBERG responded that the bill says the senior and junior regent would be determined by date of service. So theoretically if one was appointed a day sooner or later, that would determine the junior or senior status.

CHAIR GATTO said he sees a small problem: When there are two regents up for confirmation, how does the legislature determine who is junior or senior - by a flip of a coin or a vote of the regents?

Number 0608

REPRESENTATIVE SEATON pointed out that since these regents positions are for different periods of time, one a two-year term and one a one-year term, that would determine it.

Number 0633

CHAIR GATTO responded that is correct, but asked what the selection procedure is when there are two new regents coming in at the same time.

REPRESENTATIVE WILSON said she thinks when two students are elected at the same time, one would be running for a one-year term and another for a two-year term. The person with the one-year term would be a senior at the university.

Number 0690

REPRESENTATIVE KAPSNER asked if it is necessary have to have a certain amount of credits to run for student regents, or whether it could be a freshman.

REPRESENTATIVE OGG pointed to page 2 [lines 14-16] which says a regent must "remain enrolled as a full-time student at the University of Alaska during the term for which the regent was appointed".

REPRESENTATIVE GUTTENBERG said theoretically a freshman could be on the Board of Regents, but, if so, the student would definitely be an overachiever.

CHAIR GATTO pointed out that a freshman could be 35 years old with a law background and could have served in the legislature. He suggested that the committee work on the language so the intent of the committee is clear.

Number 0822

REPRESENTATIVE OGG said there could be some clarification based on the election process, that the candidates would select whether they were running for either the one-year position or two-year position. That needs to be clarified in the statutes.

REPRESENTATIVE SEATON referred the members to page 2, lines 30-31, where it talks about this point. If a regent resigns, then that office would be for [the unexpired term of] the original appointee, whereas the other person will be running for a full-term seat. He said that language might already clarify the question by the committee.

CHAIR GATTO agreed that the language does clarify that question in that the election separates the terms of office.

Number 0936

REPRESENTATIVE OGG referred to page 2, line 22, where there is a discussion about subcommittees. He said that as a member of the Board of Regents for eight years, he does not recall any reference to subcommittees, only committees. He said he believes that language is incorrect, and it should be verified with the university.

CHAIR GATTO asked Representative Ogg if he is saying subcommittees do not exist.

REPRESENTATIVE OGG said he does not ever recall serving on a subcommittee of one of the standing committees.

REPRESENTATIVE GUTTENBERG responded that the intent was to use the term "committee" rather than "subcommittee", and that he would consider a change in the language as a friendly amendment.

Number 1072

REPRESENTATIVE WILSON moved to amend HB 72 as follows:

On page 2, line 22
delete the word "subcommittees"
insert the word "committees"

CHAIR GATTO asked if there were any objections to the amendment. There being no objection, the amendment was adopted.

Number 1117

CHIP WAGONER testified in support of HB 72, provided a brief history on the student regent position, and answered questions from the committee. He told the committee that although he is a registered lobbyist, he is representing only himself today. He explained he is interested in this bill because of his personal experiences when he attended the University of Alaska. He said when he was going to the University, the Board of Regents meetings were held in a room smaller than the one the committee is meeting in and there would be very few people in attendance. He said current meetings have a large attendance. Mr. Wagoner said he attended because he was the student body president and served as a student representative on the university assembly. He said that at the time he felt that the students needed more representation on the Board of Regents because even though he was there and was allowed to participate, by not having the right to vote, he felt as though he was a second-class citizen and not effective.

MR. WAGONER told the committee that with the support of the student body, he prepared a position paper and in 1972 came to the legislature, where he advocated for students to have a full voting member on the Board of Regents. He said the student body, both in Fairbanks and Anchorage, was united on this. As the bill made its way through the process, it became clear that a one-year term as a voting member was not sufficient because it takes a year to learn about the personalities of other members and learn the system. So the prime sponsor of the bill, then-Senator Terry Miller, changed it to make it a two-year term. The first year the bill went through the legislative process it died; the second year it passed. Then-Senator Miller and then-

Representative Bradner, both from Fairbanks, pushed the bill through without much opposition. The two-year term as a voting member of the regents really helped the students in being represented. One of the students became an officer of the board; had the term only been a one-year term, that would not have been happened.

MR. WAGONER said he believes it is the vote that gives the position credibility. He offered his belief that changing the representation to a junior and senior regent will hurt the students more than help them. He recommended that if the committee is going to do anything it should add a second regent, as opposed to cutting the power in half. He added that the situation that occurred last year has only occurred once in 28 years. He said he thinks the sponsor's heart is in the right place in representing the Fairbanks community. He reiterated that he believes doing this is cutting the power of the student regent in half by giving that student regent the power to vote only one year as opposed to two years.

Number 1468

REPRESENTATIVE GUTTENBERG commented that he has talked with Mr. Wagoner about his concerns regarding the student regents' having respect and authority on the Board of Regents. He said he believes this bill does provide respect and authority in a stronger sense. There is no division of the vote. The student regent still has the vote for one year instead of two, but is on the Board of Regents for two years. The first year, allows a nonvoting member to expand and get to know everyone and the issues. He said he does not believe having the vote in the second year will diminish that power or authority. He said that while he and Mr. Wagoner agree on some parts of the bill, they do not agree on others.

CHAIR GATTO asked what happens when a nonvoting member, who will be the voting member the next year, quits school. The voting member is now gone and the situation is now back to where it was earlier. He asked whether the voting member typically is in the last year of school.

Number 1512

REPRESENTATIVE GUTTENBERG pointed out that since the term of a student regent is for two years, the latest a student could be elected to the Board of Regents would be in the student's junior

year, because as soon as a regent is no longer a student, that individual is off the board.

Number 1512

JENNIFER LESH, Legislative Affairs Director, Coalition of Student Leaders, University of Alaska Southeast, testified in support of HB 72 and answered questions from the committee. She said she believes it is important for students to always have a representative. Last year the student body went without a student representative for five months. She said she believes having a junior regent would be valuable, since it would afford a year's training and experience before stepping into the full role as a regent.

Number 1594

KACI HAMILTON, Student, University of Alaska Southeast, testified in support of HB 72. She said she supports this bill because it is important that students have continuous representation on the Board of Regents. She said having a second regent would allow somewhat of an apprenticeship system. The regent would be allowed to come in with a greater knowledge of the Board of Regents and would be better able to handle the duties and roles they will encounter. No one knows student matters better than students, so having that second regent on the board who is knowledgeable, ready, and knows what it is all about would benefit all students and the Board of Regents.

Number 1673

SAHAR GHORBANPOUR, Student Ambassador, University of Alaska Southeast, testified in support of HB 72 and answered questions from the committee. She told the committee that she has not talked to any students who see anything negative about this bill. It is an exciting concept to have two people on the Board of Regents because she views it as mentorship program where it allows both regents to serve their entire term more effectively. They have each other as a support system, and there is an opportunity to learn the ways of the Board of Regents. The first year of anything, whether for a legislator or a regent, is really a learning year. To have someone else there to bounce ideas off of, the entire process and procedures, would be valuable. It would add a lot of cohesion to the board and would create more unity. This bill also allows more students to have a part of that process. She pointed out that it could mean two

separate campuses could be represented at the same time and add to the dynamics of the board.

MS. GHORBANPOUR said in response to Chair Gatto's question that she is a liberal arts student, with an emphasis in psychology and biology in the hopes of going on to medical school.

Number 1885

MS. GHORBANPOUR responded to a series of questions from Chair Gatto by saying that she went to a Board of Regents meeting last year. She thought the meeting was productive and that the regent was very well respected. She commented that she does not believe that would change if there were a second student regent on the board. It was a very successful meeting. She said she would be interested in being a student regent, and since this is only her second year, she has time. She noted that as a graduate student she could serve as well.

Number 1923

REPRESENTATIVE GARA commented that he thought he had just heard a compelling reason why Chair Gatto, Representative Ogg, and he should not be able to vote either.

Number 1971

REPRESENTATIVE KAPSNER moved to report HB 72, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

Number 1985

REPRESENTATIVE OGG told the committee that he served on the [Board of Regents] committee for eight years and served with many distinguished individuals. He said he served with two student regents who became officers of the board, and he agrees with Mr. Wagoner's assessment that had the student regent only been a voting member for one year, that possibly would not have happened. He also said he saw no inability of the student regent he worked with in jumping in and performing the full duties of a regent. The respect the other regents gave [the student regents] was wonderful. He did not notice the student regents having any more difficulty than any other first-year regent. He does have concerns about voting in committees because that is where most of the work is done, and most of the voting that is done before the full Board of Regents is mostly

pro forma. This bill would actually increase the voting capacity of the student regents to two instead of one. He suggested that there may need to be more work done on that portion of the bill or maybe that part should be deleted. He said he likes the fact that at least one of the regents must be a graduate of the University of Alaska and pointed out that Governor Murkowski put that in this year.

Number 2145

CHAIR GATTO asked, if Representative Ogg's concern is that the student regents would have too much influence in committee votes, whether that concern could be addressed by prohibiting two student regents from serving on the same committee. He rephrased his question by asking if Representative Ogg's concern is that having two students on the same committee at the same time would be overweighing the committee.

REPRESENTATIVE OGG said he does not object to one student regent's having the ability to vote. However, if another student regent is added to committees, they will not be balanced. He explained that a second student regent who is allowed to vote changes the structure of the committees. Currently, five members sit on the standing committees, which are Academic and Student Affairs Committee, Finance and Audit Committee, and Facilities & Land Management Committee. The chair of the Board of Regents can serve on any committee he or she wishes to, and comes in and out of those meetings. If one more regent is added to the standing committees, there would be six on one and five on another. Representative Ogg said it is a delicate balance.

Number 2217

CHAIR GATTO asked what his solution would be.

REPRESENTATIVE OGG said he believes this bill is based on a reaction to an anomaly. He does not think it would happen again and, if so, it would be very rare. To change the structure of the Board of Regents based on an anomaly is going overboard.

REPRESENTATIVE KAPSNER made a point of order that there is a motion on the table.

Number 2390

REPRESENTATIVE OGG thanked the members for the opportunity to discuss his concerns.

A roll call vote was taken. Representatives Gatto, Gara, Kapsner, Seaton, and Wilson voted in favor of reporting HB 72, as amended, from committee. Representative Ogg voted against it. Therefore, CSHB 27(EDU) was reported out of the House Special Committee on Education by a vote of 5-1.

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Education meeting was adjourned at 11:40 a.m.