

CS FOR HOUSE BILL NO. 237(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 5/1/07

Referred: Judiciary

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

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 uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 **LEGISLATIVE FINDINGS AND PURPOSE.** (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) under AS 14.40.170(b)(1), the legislature has delegated to the Board of
13 Regents the power to regulate itself, but the Board of Regents has not adopted self-
14 governance rules that authorize the board to remove or suspend a regent in appropriate

1 circumstances; and

2 (3) the legislature has the power to create a procedure under which the
3 governor may remove a regent for good cause or suspend a regent in appropriate
4 circumstances, so long as the regent is accorded due process and the University of Alaska and
5 the Board of Regents are insulated from politics.

6 (b) The purpose of AS 14.40.155, added by sec. 2 of this Act, is to

7 (1) clarify that the governor may not remove a regent without good cause;

8 (2) clarify that the governor may remove a regent with good cause;

9 (3) prescribe a due process procedure under which the governor may remove a
10 regent for good cause;

11 (4) prescribe a due process procedure under which the governor may suspend
12 a regent in certain circumstances; and

13 (5) accomplish each of the above purposes while still insulating the University
14 of Alaska and the Board of Regents from politics.

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

16 **Sec. 14.40.155. Removal and suspension of regents.** (a) The governor may
17 remove a member of the Board of Regents for good cause by providing

18 (1) a copy of the allegations pertaining to the reasons for removal;

19 (2) an opportunity for a hearing on the allegations; and

20 (3) at least 10 days' notice of a hearing if a hearing is requested; the
21 notice must include the applicable rules governing the conduct of the hearing.

22 (b) After removal of a regent for good cause under (a) of this section, the
23 governor shall file with the lieutenant governor a copy of the allegations made against
24 the former regent, the governor's findings on each of the allegations, and a complete
25 record of the removal proceedings.

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

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

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

1 (3) allegations of nonfeasance in office described under (g)(4) of this
2 section under consideration by the governor.

3 (d) A regent who has been suspended under (c) of this section may, at any
4 time, request a hearing to lift the suspension.

5 (e) A hearing conducted by the governor or the governor's designee involving
6 the suspension of a regent under (c) of this section must provide an opportunity to
7 defend against the stated grounds for suspension or to show cause why the suspension
8 should be lifted after a suspension is imposed.

9 (f) The governor may delegate the conduct of a hearing under this section to
10 the office of administrative hearings under AS 44.64.030(b).

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

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

13 (2) conviction of a felony in any jurisdiction;

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

16 (A) dishonesty;

17 (B) breach of trust; or

18 (C) the University of Alaska;

19 (4) nonfeasance in office, including

20 (A) misconduct in office;

21 (B) an inability to serve;

22 (C) neglect of duty;

23 (D) incompetence;

24 (E) unjustified failure to perform the duties of the Board of

25 Regents;

26 (5) failure to continue to meet the requirements of AS 14.40.130 that
27 relate to the qualifications of a regent.

28 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
29 read:

30 **APPLICABILITY.** AS 14.40.155, added by sec. 2 of this Act, applies to all conduct
31 and acts that occurred before, on, or after the effective date of this Act.