

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

May 3, 2007

1:35 p.m.

MEMBERS PRESENT

Representative Jay Ramras, Chair
Representative Nancy Dahlstrom, Vice Chair
Representative Bob Lynn
Representative Ralph Samuels
Representative Max Gruenberg
Representative Lindsey Holmes

MEMBERS ABSENT

Representative John Coghill

COMMITTEE CALENDAR

HOUSE BILL NO. 225

"An Act relating to misconduct involving weapons and bail."

- HEARD AND HELD

HOUSE BILL NO. 237

"An Act authorizing the governor to remove or suspend a member of the Board of Regents of the University of Alaska for good cause; establishing a procedure for the removal or suspension of a regent; and providing for an effective date."

- FAILED TO MOVE OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 225

SHORT TITLE: POSSESSION OF WEAPON WHILE ON BAIL

SPONSOR(S): REPRESENTATIVE(S) JOHNSON

03/27/07	(H)	READ THE FIRST TIME - REFERRALS
03/27/07	(H)	JUD, FIN
04/13/07	(H)	JUD AT 1:00 PM CAPITOL 120
04/13/07	(H)	Heard & Held
04/13/07	(H)	MINUTE(JUD)
04/25/07	(H)	JUD AT 1:00 PM CAPITOL 120
04/25/07	(H)	Scheduled But Not Heard
04/27/07	(H)	JUD AT 1:00 PM CAPITOL 120

04/27/07 (H) <Bill Hearing Canceled>
04/30/07 (H) JUD AT 1:00 PM CAPITOL 120
04/30/07 (H) Heard & Held
04/30/07 (H) MINUTE(JUD)
05/03/07 (H) JUD AT 1:30 PM CAPITOL 120

BILL: HB 237

SHORT TITLE: REMOVING A REGENT

SPONSOR(s): STATE AFFAIRS

04/13/07 (H) READ THE FIRST TIME - REFERRALS
04/13/07 (H) STA, JUD
05/01/07 (H) STA AT 8:00 AM CAPITOL 106
05/01/07 (H) Moved CSHB 237(STA) Out of Committee
05/01/07 (H) MINUTE(STA)
05/01/07 (H) STA RPT CS(STA) NT 4DP 3NR
05/01/07 (H) DP: JOHNSON, ROSES, GRUENBERG, LYNN
05/01/07 (H) NR: JOHANSEN, COGHILL, DOLL
05/03/07 (H) JUD AT 1:30 PM CAPITOL 120

WITNESS REGISTER

JEANNE OSTNES, Staff
to Representative Craig Johnson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided comments during the discussion of
HB 225 on behalf of the sponsor, Representative Johnson.

ANNE CARPENETI, Assistant Attorney General
Legal Services Section
Criminal Division
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: Provided comments during the discussion of
HB 225.

BRIAN JUDY, Senior State Liaison
National Rifle Association - Institute for Legislative Action
(NRA-ILA)
Sacramento, CA

POSITION STATEMENT: Testified in opposition to HB 225.

GARDNER COBB, Captain
Anchorage Police Department (APD)
Anchorage, Alaska

POSITION STATEMENT: During hearing of HB 225, testified in opposition to the NRA's position.

MICHAEL BARNHILL, Senior Assistant Attorney General
Labor and State Affairs
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: Supported HB 237.

NANCY MANLY, Staff
to Representative Bob Lynn
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided comments during the discussion of HB 237 on behalf of the sponsor, Representative Lynn.

ACTION NARRATIVE

CHAIR JAY RAMRAS called the House Judiciary Standing Committee meeting to order at [1:35:49 PM](#). Representatives Ramras, Samuels, Lynn, Gruenberg, and Dahlstrom were present at the call to order. Representative Holmes arrived as the meeting was in progress. Representative Coghill was excused.

HB 225-POSSESSION OF WEAPON WHILE ON BAIL

[1:36:33 PM](#)

CHAIR RAMRAS announced that the first order of business would be HOUSE BILL NO. 225, "An Act relating to misconduct involving weapons and bail." [Before the committee was the proposed committee substitute (CS) for HB 225, Version 25-LS0710\M, Luckhaupt, 4/11/07, which had been adopted as the work draft on 4/13/07 and amended on 4/30/07.

[1:37:05 PM](#)

REPRESENTATIVE DAHLSTROM made a motion to [adopt the proposed committee substitute (CS) for HB 225, Version 25-LS0710\K, Luckhaupt, 5/1/07, as the work draft]. There being no objection, Version K was before the committee.

[1:37:17 PM](#)

JEANNE OSTNES, Staff to Representative Craig Johnson, Alaska State Legislature, after noting that members should have in their packets a letter from the National Rifle Association

(NRA), stated that she has been working with the NRA to address its concerns with the bill. To that end, the proposed amendment, labeled 25-LS0710\K.1, Luckhaupt, 5/3/07, [Amendment 1] came at the request of the NRA.

MS. OSTNES, in response to a question, indicated that Version K no longer contains Version M's proposed addition of AS 12.30.018; this change, via Amendment 1 to Version M, also came at the request of the NRA.

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ANNE CARPENETI, Assistant Attorney General, Legal Services Section, Criminal Division, Department of Law (DOL), in response to a question, stated that proposed AS 12.30.018 mandates under Title 11 that a person on release, before and after trial for a felony, not possess a concealed firearm. The deletion of this provision necessitated altering the statutory references in Section 1 of Version K; Section 1 now references proposed AS 11.61.200(a)(13) and AS 11.61.210(a)(9). These provisions are addressing those circumstances in which the bill would create a higher crime for carrying concealed in violation of a court order not to while out on bail.

MS. CARPENETI further stated that currently it is a crime under AS 11.56.757 for any person to violate a condition imposed by the court in connection with a bail release. This bill, HB 225, makes these crimes a class C felony or a class A misdemeanor under certain circumstances.

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MS. OSTNES noted that in a letter from Brian Judy, the NRA wanted to make sure the court had the full discretion to choose. The proposed amendment labeled 25-LS0710\K.1, Luckhaupt, 5/3/07, addresses this request.

REPRESENTATIVE GRUENBERG noted his agreement with Mr. Judy that the court needs discretion.

CHAIR RAMRAS asked if DOL supported the changes to Version K.

MS. CARPENETI offered her belief that she has no concerns with someone out on bail not being allowed to carry a concealed weapon. The judge already has the discretion with sentencing and this has not changed. This bill just raises the penalties.

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CHAIR RAMRAS expressed concern that the bill has been changed by many degrees. He asked whether the bill still does anything.

MS. OSTNES responded that the bill now separates misdemeanor and felony. Currently, if an individual is carrying a firearm, in violation of condition of release, it is a misdemeanor.

CHAIR RAMRAS questioned whether it depends upon whether [the initial charge] was for a misdemeanor or a felony.

MS. OSTNES replied that, without this bill, if someone were charged with carrying a concealed weapon, he/she would be charged with a misdemeanor, whether the original charge was a misdemeanor or a felony. Under the bill, an individual would now be charged with a second misdemeanor for carrying a concealed weapon, if the original charge was for a misdemeanor. Furthermore, the bill would cause an individual charged with a felony to receive a second felony charge for a carrying a concealed weapon.

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MS. OSTNES further explained that on pages 3 and 5, HB 225 now includes AS 47.12.080, which pertains to juveniles. Juveniles are not released on bail, but on "condition of release". The inclusion of AS 47.12.080 would mean a juvenile is now subject to the same conditions as an adult. Finally, in Section 3, Version M, AS 12.30.018, was removed. This removed the mandatory aspect, as requested by Representative Coghill and the NRA. It is now the judge's discretion, she pointed out. [Version K, which was now before the committee, does not include AS 12.30.018 in Section 3.]

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MS. OSTNES related that Amendment 1 would clarify that knowingly possessing a firearm that is concealed on the person while the person is on release under AS 12.30.020-12.30.040 is in violation of a condition imposed by the court.

CHAIR RAMRAS made a motion to adopt Amendment 1, labeled 25-LS0710\K.1, Luckhaupt, 5/3/07, which read:

Page 3, line 15, following "(A)":

Insert "in violation of a condition imposed by the court"

Page 5, line 3, following "(A)":

Insert "in violation of a condition imposed by the court"

There being no objection, Amendment 1 was adopted.

CHAIR RAMRAS asked the committee to review Version K with Amendment 1 and then, seek the point of view of Captain Cobb and Brian Judy.

MS. OSTNES, in response to comments and questions, reiterated that this amendment is a clarification at the request of the NRA and that it be inserted on page 3.

[1:52:41 PM](#)

REPRESENTATIVE HOLMES asked whether the language inserted on page 3, line 15, subparagraph (A), should also be added to subparagraph (B).

MS. CARPENETI responded that it was unnecessary.

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CHAIR RAMRAS related his understanding that the bill sponsor does not want to violate the "right to bear arms."

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BRIAN JUDY, Senior State Liaison, National Rifle Association - Institute for Legislative Action (NRA-ILA), shared the NRA's concerns with Version K including the automatic penalty. Amendment 1 addresses that concern whereby the court maintains discretion. The second concern pertains to the felony. The NRA believes it is not appropriate to subject a person to a felony simply for being accused of a prior offense. Therefore, he suggested including language stating that if the underlying felony is dismissed, then the subsequent felony would also be dismissed.

CHAIR RAMRAS added this was the same concern as Representative Coghill.

REPRESENTATIVE LYNN opined that regardless of whether the individual was found not guilty of the original offense, he still "spit in the face of the court", by violating the condition of bail. He asked if this is a separate issue.

MR. JUDY responded this would be a violation of the order of the court. Existing law makes this a class A misdemeanor, if the underlying charge is a felony. The NRA's concern is that the proposed law would make the current misdemeanor a felony. He referred to an example from his letter to the committee. Even though someone may know his/her own innocence, he/she may violate the order of the court for personal protection. Even if he/she is found innocent, he/she can still lose the right to bear arms because of the subsequent felony charge. The felony charge does not seem to be appropriate, he opined.

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MS. CARPENETI acknowledged NRA's concern, but pointed out that the concept of going back and making a person innocent would not work. There has already been a probable cause determination that the person should be held to answer for charges. This is all discretionary with the court, she noted. The court has made a determination that for the safety of the community, this person should not carry concealed. Then, to say that the person can make that decision on his/her own is something the court cannot condone.

CHAIR RAMRAS commented that he agrees with both Ms. Carpeneti and Mr. Judy. This difficulty means the bill is not ready to pass out of the committee, he related.

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GARDNER COBB, Captain, Anchorage Police Department (APD), offered that the problems, specifically the levels of firearm violence, in Anchorage are different than those in other communities. The Anchorage Police Department has probable cause and evidence before an arrest is made. He related his belief that law abiding citizens have the right to carry arms. By going through a magistrate, the district attorney, or a Grand Jury, the police department operates in a system of checks and balances for probable cause. A law-abiding citizen would not disobey a judge's direct order. Raising this to a felony is a positive step. However, he said, there is still a lot more that can be done to assist law enforcement in doing their job.

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CHAIR RAMRAS asked whether passing the bill will actually accomplish anything.

MR. COBB responded that the APD, in a recent operation, arrested more than 50 people and recovered 24 guns. He did not think this bill would make a widespread big difference. The APD needs to identify the violent offenders, and put them in jail.

CHAIR RAMRAS said he understands how this affects guilty people, but he does not know how this will affect innocent people, who are then subsequently found guilty of the secondary offense.

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REPRESENTATIVE DAHLSTROM offered that she is supportive of any law that "gets the bad guy", but she was worried about "the unintended consequences." If she was in the position of having to protect her family, the law would not stop her from carrying concealed, she said.

MS. OSTNES highlighted that the law only applies to concealed weapons, not visible weapons.

2:08:35 PM

MR. JUDY indicated Version K still raises a concern with the NRA due to the potential felony charge for a person only accused of an offense. The NRA is concerned for the rights of those who have only been accused, but not convicted, of a prior offense.

2:09:39 PM

REPRESENTATIVE LYNN said although he understood the concern, still he was not able to condone "spitting in the eye of the court." Therefore, he questioned whether there might be a middle ground, such that, a person found innocent would have the subsequent carrying concealed lowered to a misdemeanor.

MS. CARPENETI expressed concern with having a provision in law dismissing a crime if an individual were found innocent of the underlying crime, even though there was a probable cause indictment with the court finding that individual dangerous.

REPRESENTATIVE LYNN clarified that he did not want the charge dismissed, merely lowered to a misdemeanor.

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REPRESENTATIVE GRUENBERG offered an analogy illustrating that point in time when one is charged with an underlying crime, it's not known whether he/she will be found guilty of the original crime. Referring to [Perkins and Boyce's Cases and Materials on Criminal Law and Procedure], he compared the case at hand to the law on escape.

The committee took an at-ease from 2:12 p.m. to 2:14 p.m.

[2:14:40 PM](#)

[Chair Ramras passed the gavel to Vice Chair Dahlstrom.]

REPRESENTATIVE GRUENBERG read from page 506 of [Perkins and Boyce's Cases and Materials on Criminal Law and Procedure], as follows, "... On the other hand the fact that a prisoner is innocent of the offense, for which he was arrested, is no excuse for his unpermitted departure from legal custody." He offered that this is general policy; the reason being the law doesn't permit people to take the law into their own hands. A person is not being penalized for being under indictment; but rather for violating a court order.

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[Vice Chair Dahlstrom returned the gavel to Chair Ramras.]

MR. COBB, in agreement with Representative Gruenberg's legal analogy, stated he was sure that many of those arrested with a firearm were told by the judge not to carry a firearm; but many in the gang culture lifestyle were in the habit of not obeying what people in authority tell them.

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CHAIR RAMRAS set HB 225 aside, to allow the sponsor to reconcile these two unique points of view, with regard to the charge of carrying concealed. The DOL has stated that if one is charged with a felony or a misdemeanor, then the subsequent charge should be maintained regardless of the final ruling on the initial charge. The NRA believes, however, that if the initial charge is dropped, then the subsequent charge should be dropped, as well.

REPRESENTATIVE GRUENBERG professed his understanding that the supreme court had addressed this issue, and supported the DOL position.

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MS. CARPENETI offered to research the ruling Representative Gruenberg described.

[HB 225 was held over.]

HB 237-REMOVING A REGENT

[2:20:05 PM](#)

CHAIR RAMRAS announced that the final order of business would be HOUSE BILL NO. 237, "An Act authorizing the governor to remove or suspend a member of the Board of Regents of the University of Alaska for good cause; establishing a procedure for the removal or suspension of a regent; and providing for an effective date."

CHAIR RAMRAS commented that the problem of removing a regent seems to have cured itself; nevertheless the committee must still respond to HB 237.

REPRESENTATIVE LYNN, speaking as the chair of the House State Affairs Standing Committee, sponsor of HB 237, said that although some of the immediate problem has been resolved, this might occur again. He said that if the governor appoints an individual to a position, the governor should be allowed to remove or suspend that individual for good cause. The bill will look out for the university system, which includes the students and all of Alaska.

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CHAIR RAMRAS asked the sponsors whether the university supports HB 237.

REPRESENTATIVE LYNN said he was not sure, nor was he sure that it was totally relevant.

REPRESENTATIVE GRUENBERG pointed out that the committee packet includes an unsigned document from Pete Kelly, (former senator and representative from Fairbanks) which Representative Gruenberg referred to as a bill authorizing removal of regents by the governor. The University Board of Regents is not taking

a position, and the University of Alaska has not taken an official position, he relayed.

2:24:56 PM

MICHAEL BARNHILL, Senior Assistant Attorney General, Labor and State Affairs, Department of Law (DOL), relayed that the administration and the DOL support HB 237. He offered to discuss each of the provisions and answer any questions.

REPRESENTATIVE GRUENBERG said he has spoken with John Bitney, Legislative Liaison, and Governor Palin, who both support the bill.

MR. BARNHILL explained the bill creates two due process procedures. First, the governor may remove a regent for good cause. Second, the governor may suspend a regent under certain circumstances. Section 1 of HB 237 discusses legislative findings and purposes, among which is a finding that the framers of the constitution intended to insulate the university from politics. However, it did not intend to immunize the university from nonpolitical and appropriate legislative and executive branch oversight. Section 1 also finds the legislature has delegated the Board of Regents the power of self regulation, but the Board of Regents has not adopted a bylaw that provides for the removal of a regent. The legislature has the power to create a procedure under which the governor may remove a regent for good cause, or suspend a regent under appropriate circumstances.

MR. BARNHILL continued the review of the bill. He explained that page 2, lines 6-14, set forth purposes to clarify that the governor may not remove a regent without good cause. The bill prescribes the due process procedure under which the governor may remove a regent for good cause, suspend a regent in certain circumstances, and accomplish each of these purposes while continuing to insulate the University of Alaska and the Board of Regents from politics. Section 2 sets forth the removal and the suspension procedures.

MR. BARNHILL first described the removal procedure, as set forth in subsections (a) and (b) of Section 2. The governor can remove a regent for good cause by providing the regent a copy of the allegations with an opportunity for a hearing. The hearing date must be given with at least 10 days notice. After the hearing, a record of the proceedings must be submitted to the lieutenant governor. Good cause is defined in subsection (g),

page 3, lines 11-27. There are a variety of types of good cause, including a violation of the executive branch ethics act; a conviction of a felony; a conviction of certain types of misdemeanors, including dishonesty, or breach of trust; or a misdemeanor involving the University of Alaska. This could include nonfeasance in office, misconduct, inability to serve, neglect of duty and confidence, unjustified failure to perform duties, and failure to meet the requirements of service as a regent, essentially citizenship of the United States and residency in Alaska.

MR. BARNHILL next described the suspension procedure. The governor may suspend a regent in the following circumstances: a felony indictment; or a misdemeanor charge involving a crime of dishonesty, or breach of trust, of the University of Alaska; or allegations of non-feasance in office.

CHAIR RAMRAS asked if a driving under the influence (DUI) conviction would be included.

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REPRESENTATIVE GRUENBERG responded if this were a misdemeanor DUI, it would not fall under the misdemeanors as outlined. If the misdemeanor DUI occurred on University of Alaska property, this may be reviewed differently. If there is a felony DUI, that could be cause to suspend or remove, he said.

MR. BARNHILL closed with a reminder that the regent is afforded the opportunity for a hearing both before and after the suspension. The governor may delegate the Office of Administrative Hearings to conduct the hearing, but the final decision is made by the governor.

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REPRESENTATIVE GRUENBERG noted, for the record, that the bill is crafted such that if the governor wants to remove the regent, the regent can also request a hearing. This will specifically authorize the Office of Administrative Hearings and a professional administrative law judge to conduct the hearing, provide the decision, and have this reviewed by the governor. As with any other administrative hearing, it would be subject to appeal through the superior court and the supreme court.

REPRESENTATIVE GRUENBERG mentioned that Representative Coghill had some questions before he left.

MR. BARNHILL responded he was aware of this and although he had not spoken directly with Representative Coghill, he did leave a message with Representative Coghill's office.

2:33:57 PM

REPRESENTATIVE GRUENBERG offered his understanding that Representative Coghill had concerns regarding page 3, line 12, which contains some technical violations of the Alaska Executive Branch Ethics Act. Representative Coghill was concerned that a regent could be removed for violating a technical provision of this act.

MR. BARNHILL replied there had been a similar discussion in House State Affairs Standing Committee. It was agreed during this prior discussion that the governor "may" remove a regent, but it is not mandatory. Mr. Barnhill offered his belief that there would need to be an egregious violation of any of the provisions before the governor would take the unprecedented step of removing a regent.

REPRESENTATIVE GRUENBERG added that Representative Coghill expressed the need for better definitions for each of the charges of misconduct, neglect of duty, and incompetence, as they are vague. He recalled that Representative Coghill also asked whether there was a model for this bill, or was the whole clause drafted.

MR. BARNHILL reported that the original version of this bill was based on an already established procedure for the removal of commission members from the Workers' Compensation Appeals Commission. The committee desired to draft a procedure with which the people and the courts were already familiar with, he said.

2:36:21 PM

REPRESENTATIVE GRUENBERG asked for clarification of the terms misconduct in office, neglect of duty, and incompetence.

MR. BARNHILL replied that these are all common terms in removal statutes. He related his confidence there were cases that interpreted the meaning for each of these terms. He reiterated his belief it would be unlikely for a governor to employ this basis for removal unless the grounds showed egregious conduct.

2:37:35 PM

REPRESENTATIVE DAHLSTROM asked why the Board of Regents had chosen not to vote on this and put it in its bylaws.

MR. BARNHILL responded he did not believe the Board of Regents had expressed a view as to whether this bill was necessary. He referred to page 1, lines 12-14, of the bill, which illustrates there is a statute already on the books, AS 14.40.170(b)(1). The aforementioned statute authorizes the Board of Regents to regulate and formulate policy both for the governance of the University and the Board of Regents. Under that statutory authority, the Board of Regents could provide a procedure for removing regents, but the board has not done so. He suggested that as this issue is unprecedented, the regents never thought they would have to address such a situation.

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REPRESENTATIVE SAMUELS referring to page 2, line 19, asked Mr. Barnhill to clarify who would chair the hearing.

MR. BARNHILL replied that on page 3, lines 9-10, the governor is authorized to delegate who conducts the hearing to the Office of Administrative Hearings, but that is discretionary. This provides the governor the opportunity to set up the hearing before a neutral and objective decision maker, to avoid any appearance of political interference.

REPRESENTATIVE SAMUELS inquired as to how the hearing would be held, should the governor chose not to delegate the hearing.

MR. BARNHILL replied the governor may conduct the hearing himself/herself, or appoint a hearing officer.

REPRESENTATIVE GRUENBERG asked if Mr. Barnhill had spoken with Mary Hughes, Chair of the University of Alaska Board of Regents.

MR. BARNHILL offered that when he'd spoken with Ms. Hughes, she indicated to him it was the policy of the Board of Regents to not take a position on any pending legislation. However, she did express the need to know if DOL views the bill as constitutional. Mr. Barnhill advised her that it is constitutional. He added that this is not to say that there could not be constitutional concerns brought up with respect to the bill, and in that case, ultimately a court would decide.

[2:42:45 PM](#)

REPRESENTATIVE HOLMES questioned why not just leave it to the regents since there is a provision that allows the regents to put a procedure in place.

MR. BARNHILL characterized it as a policy question. This bill would create a check and balance on the University of Alaska. If the Board of Regents don't take action in an egregious circumstance or doesn't have the necessary authority at the time of the circumstance, HB 237 would allow appropriate action to be taken.

[2:44:34 PM](#)

REPRESENTATIVE SAMUELS asked how many times regents have retired or resigned in the middle of a term.

[2:45:22 PM](#)

NANCY MANLY, Staff to Representative Bob Lynn, Alaska State Legislature, in response to Representative Samuels, said she didn't know whether any members of the board had resigned in mid term. She then related that she had spoken with Mary Hughes, Chair of the Board of Regents. Ms. Hughes said the board was not taking a position on the bill and would prefer not to testify.

[2:46:29 PM](#)

CHAIR RAMRAS offered his personal feelings that he would like to see this regent affair go away. He questioned whether this unusual situation should continue to perpetuate through unique legislation, which he felt was probably not relevant for decades to come.

REPRESENTATIVE SAMUELS questioned whether this legislation would add a layer of politics and negate the entire point of having a Board of Regents. With this legislation, a governor could have a hearing on an issue that might be political in nature.

REPRESENTATIVE SAMUELS continued by explaining he felt the entire point of having a Board of Regents is to insulate the university. This legislation was proposing to reel the board back into the political arena. It allowed the governor to have a hearing if a regent does something a governor doesn't like.

For example, a regent could have a fundraiser for the wrong person, and it could create a witch hunt atmosphere.

REPRESENTATIVE LYNN offered his belief the legislation succinctly lists those things that would provide cause for suspension and removal. It was too big a stretch to believe this would get into partisan politics, he opined.

[2:50:05 PM](#)

REPRESENTATIVE LYNN moved to report CSHB 237(STA) out of committee with individual recommendations and the accompanying fiscal notes.

[2:50:44 PM](#)

CHAIR RAMRAS objected for the purpose of discussion. He felt it perpetuated a bad chapter in the history of the State of Alaska and the history of the university. It involved someone he has known for 20 years, and he said he "would like to leave the family a little bit of privacy, and what little dignity they are entitled to, until they go before a court of law and are adjudicated."

REPRESENTATIVE GRUENBERG opined that the bill would provide a set of good cause for any body like the Board of Regents so it was insulated from politics while also providing known standards. The review would be before an administrative law judge, professionally, and it would insulate the possibility of a witch hunt. Currently, there are no standards. To leave it with the regents may make it really political, as there are no standards. Furthermore, it would put them in the difficult position of removing one of their own.

REPRESENTATIVE HOLMES expressed, given the length to which the constitution went to insulate the university from politics, it would be best to first see if the regents would put some procedures in place. She said she would like to hold off on this bill, as the issue is very rare, until the regents decide.

REPRESENTATIVE GRUENBERG expressed the hope that [with introduction and hearing of the bill] the regents will get the message, and thus the bill will act as an impetus to do something.

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CHAIR RAMRAS commented that he did not see a need to perpetuate this situation, as the Hayes family has a long way to go in their journey, as well.

REPRESENTATIVE LYNN responded this is not about any particular family or individual who is not guilty of anything at this point. This is about being prepared for future events, drawing bright lines and standards for very specific reasons. It is not political or vindictive. It is a bill whose time has come. "Be Prepared" as the Boy Scouts say, he remarked.

[2:54:16 PM](#)

A roll call vote was taken. Representatives Lynn, Holmes, and Gruenberg voted in favor of reporting CSHB 237(STA) from of committee. Representatives Ramras, Samuels, and Dahlstrom voted against it. Therefore, CSHB 237(STA) failed to move from committee.

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:54 p.m.