

**ALASKA STATE LEGISLATURE  
HOUSE STATE AFFAIRS STANDING COMMITTEE**

May 1, 2007

8:04 a.m.

**MEMBERS PRESENT**

Representative Bob Lynn, Chair  
Representative Bob Roses, Vice Chair  
Representative John Coghill  
Representative Kyle Johansen  
Representative Craig Johnson  
Representative Andrea Doll  
Representative Max Gruenberg

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE JOINT RESOLUTION NO. 22

Denouncing the National Entertainment Collectibles Association's production of the Rapist No. 1 collectible doll.

- MOVED HJR 22 OUT OF COMMITTEE

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."

- MOVED HB 237 OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 20

Urging the United States Congress to intervene to eliminate or reduce the planned parcel post and bypass mail rate increases adopted by the United States Postal Service because of the severe effect the rate increases will have on rural Alaska.

- BILL HEARING CANCELED

**PREVIOUS COMMITTEE ACTION**

BILL: HJR 22

SHORT TITLE: DENOUNCE SALE OF "RAPIST" DOLL

SPONSOR(s): REPRESENTATIVE(s) FAIRCLOUGH

04/26/07 (H) READ THE FIRST TIME - REFERRALS  
04/26/07 (H) STA  
05/01/07 (H) STA AT 8:00 AM CAPITOL 106

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

**WITNESS REGISTER**

REPRESENTATIVE ANNA FAIRCLOUGH

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented HJR 22 as prime sponsor.

SHANNON R. BELL, Educator

Standing Together Against Rape (STAR)

Anchorage, Alaska

POSITION STATEMENT: During the hearing on HJR 22, asked the legislature to support the 1,800 who called the STAR crisis line last year by standing against the [marketing of the rapist doll].

CHRIS ASHENBRENNER, Interim Program Administrator

Council on Domestic Violence & Sexual Assault (CDVSA)

Department of Public Safety

Juneau, Alaska

POSITION STATEMENT: Testified that HJR 22 would send the message that the state not only wants to hold offenders accountable, it also wants violence stopped at a societal level.

MICHAEL BARNHILL, Assistant Attorney General

Labor and State Affairs Section

Civil Division - Juneau

Department of Law (DOL)

Juneau, Alaska

POSITION STATEMENT: Reviewed HB 237 on behalf of the House State Affairs Standing Committee, sponsor.

**ACTION NARRATIVE**

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at [8:04:24 AM](#). Representatives Roses, Johansen, Gruenberg, Doll, and Lynn were present at the call to order. Representatives Coghill and Johnson arrived as the meeting was in progress.

HJR 22-DENOUNCE SALE OF "RAPIST" DOLL

[8:06:11 AM](#)

CHAIR LYNN announced that the first order of business was HOUSE JOINT RESOLUTION NO. 22, Denouncing the National Entertainment Collectibles Association's production of the Rapist No. 1 collectible doll.

[8:06:37 AM](#)

REPRESENTATIVE ANNA FAIRCLOUGH, Alaska State Legislature, presented HJR 22 as prime sponsor. She reported that Alaska has had the "dishonorable distinction" of ranking number one in the nation for 20 of the last 27 years and number five for all 27 years in the number of rapes that occur in the state. She expressed disbelief and horror that a toy manufacturer would put on the market, including the Internet, the rapist doll. She noted that she had worked for four years as the executive director of Standing Together Against Rape (STAR), and she said social change is one of the focuses of STAR. She opined that someone needs to take a stand. She clarified that she is not trying to violate anyone's constitutional right for freedom of speech, but she wants Alaskans and their legislature to unite in denouncing the sale of products "with this kind of vocabulary and this kind of message to our children." She offered her understanding that literature for the rapist doll states that the doll is suitable for children ages three and up. She concluded, "That is not agreeable with this parent of two teenage boys, and it certainly is not agreeable to this legislator."

[8:08:28 AM](#)

CHAIR LYNN agreed that the rapist doll is totally inappropriate for any age. He said not only does the rapist doll glorify rape, it is clothed in a military uniform, which establishes a connection between rapists and the military. He said he finds that abhorrent.

[8:09:30 AM](#)

REPRESENTATIVE JOHANSEN suggested that the sponsor specify that the statistics on page 1, lines 11-14, refer to the United States, not Alaska. He noted that those two statistics are the only ones that do not make a specific reference to area. He expressed his appreciation of the proposed resolution.

[8:10:14 AM](#)

CHAIR LYNN suggested that the resolution be sent to whatever federal department is in charge of overseeing business practices.

REPRESENTATIVE FAIRCLOUGH said she would be happy to add that entity to the list of those who receive the resolution. She noted that she sent the resolution to the National Sexual Resource Center Advisory Board to let that board know the steps Alaska is taking, and to get national attention for the issue.

[8:11:35 AM](#)

SHANNON R. BELL, Educator, Standing Together Against Rape (STAR), relayed that if Alaska's rape count were cut in half, the state would still rank twelfth in the nation. The area in the state with the highest occurrence of rape is Fairbanks. He asked the legislature to support the 1,800 who called the STAR crisis line last year by standing against the [marketing of the rapist doll]. He stated, "We need to show ... our community's attitude ... that we will not tolerate the message this doll sends to Alaska's children and families and men and women." He warned that silence on the matter could be interpreted as approval of the epidemic of violence.

[8:15:14 AM](#)

CHRIS ASHENBRENNER, Interim Program Administrator, Council on Domestic Violence & Sexual Assault (CDVSA), Department of Public Safety, said without ever getting to the [cause] of sexual violence, all that gets treated is the [symptoms]. One way to get to the roots of sexual violence is to denounce society's promotion of violence of any kind against women and children. The proposed legislation, she said, would send the message that the state not only wants to hold offenders accountable, it also wants violence stopped at a societal level.

[8:16:56 AM](#)

REPRESENTATIVE FAIRCLOUGH, in response to a question from Chair Lynn, indicated her intent to contact toy manufacturers and/or stores.

CHAIR LYNN stated concern that a raised level of controversy on the issue may spur activity "among the 'sickos' and perverts out there."

[8:18:16 AM](#)

REPRESENTATIVE FAIRCLOUGH said if the doll goes into production, she will introduce a tax of \$1,200 per doll to be used to pay for the exams of those who have experienced rape. She clarified that it costs that much for the State of Alaska to respond to one rape.

[8:19:10 AM](#)

REPRESENTATIVE FAIRCLOUGH stated that rapists tend to objectify women, which is "why this is so insulting." She said objectifying someone's body disconnects people from the harm they are doing; they lose all respect for that person. The resolution would show that Alaska will not stand for any more violence, and it would send a message of support to victims.

CHAIR LYNN talked about images seen in magazines and television that desensitize people.

[8:21:32 AM](#)

REPRESENTATIVE COGHILL said the entertainment industry, in general, has objectified people. The proposed resolution would help hold people accountable.

[8:22:20 AM](#)

REPRESENTATIVE JOHNSON encouraged the bill sponsor to contact the National Retail Association in an effort to broadcast the message of the proposed resolution more widely. He stated his support of HJR 22.

[8:23:11 AM](#)

REPRESENTATIVE DOLL stressed the importance of moving beyond the pain of violence and sexual assault and taking action to stop it, and she thanked the bill sponsor for her work on HJR 22.

[8:23:45 AM](#)

REPRESENTATIVE GRUENBERG concurred with the previous speakers and emphasized the importance of the issue.

[8:24:17 AM](#)

REPRESENTATIVE ROSES moved to report HJR 22 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HJR 22 was reported out of the House State Affairs Standing Committee.

The committee took an at-ease from [8:24:46 AM](#) to [8:26:34 AM](#).

HB 237-REMOVING A REGENT

[8:26:37 AM](#)

CHAIR LYNN announced that the last order of business was 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 LYNN said he looks at HB 237 as a means to being prepared. He said he thinks since the governor has the right to appoint someone to the Board of Regents, it seems reasonable that he/she would have the right to suspend and remove a person from that board.

[8:28:17 AM](#)

MICHAEL BARNHILL, Assistant Attorney General, Labor and State Affairs Section, Civil Division - Juneau, Department of Law (DOL), reviewed HB 237 on behalf of the House State Affairs Standing Committee, sponsor. He said the proposed legislation would provide a due process procedure for the governor to remove or suspend a University of Alaska Regent, in certain circumstances, when good cause is established.

[8:29:18 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt the proposed committee substitute (CS) for HB 237, Version 25-LS0839\C, Mischel, 4/30/07, as a work draft.

REPRESENTATIVES ROSES and DOLL objected for discussion purposes.

[8:29:55 AM](#)

MR. BARNHILL explained the changes that would be made by Version C. He said Version C would remove notice of an effective date from the bill title. Version C would also offer a new Section 1, containing legislative findings and purpose. He indicated that Representative Gruenberg had recommended this section in light of "the constitutional issues that are at stake ...." He read the key points of Section 1.

[8:32:13 AM](#)

MR. BARNHILL hill noted that Section 2 of Version C is, in large part, identical to Section 1 of the original bill and addresses removal and suspension of regents. He stated, "This procedure is not unprecedented in Alaska statutes .... It was the intention in drafting this to not create something out of whole cloth, but to create a procedure that's familiar and understandable to the legislature." He reviewed the guidelines for suspension, which are shown in Section 2, subsection (c), paragraphs (1)-(3), and the meaning of "good cause", which is defined in subsection (g). He noted that Section 2, subsection (f) is new language; it read as follows: "(f) The governor may delegate the conduct of a hearing under this section to the office of administrative hearings under AS 44.64.030(b)." He added, "But the governor would make the final decision."

[8:35:08 AM](#)

MR. BARNHILL, in response to a question from Chair Lynn, directed attention to language on page 2, line 26, through page 3, line 2, of Version C, which lists the three bases for suspension. In response to a follow-up question, he confirmed that a person can request a hearing before and after a suspension. The governor would conduct the hearing, unless he/she delegates the task to the Office of Administrative Hearings.

[8:36:24 AM](#)

REPRESENTATIVE JOHNSON directed attention to page 2, line 30, and asked for the meaning of "information or formal criminal charges of a misdemeanor".

[8:36:44 AM](#)

MR. BARNHILL responded, "That is the way a charge for a misdemeanor is brought."

REPRESENTATIVE GRUENBERG expounded upon the subject by describing the process of legal hearings. Regarding "an information", he said, "The standard is whether the prosecution's evidence, taken alone and unrebutted, would be sufficient to support the charge." He offered an example.

[8:39:46 AM](#)

REPRESENTATIVE DOLL directed attention to [Section 1, subsection (a), paragraph (2), on page 1 of Version C], which read:

(2) under AS 14.40.1709b)(1), the legislature has delegated to the Board of Regents the power to regulate itself, but the Board of Regents has not adopted self-governance rules that authorize the board to remove or suspend a regent in appropriate circumstances; and

REPRESENTATIVE DOLL expressed concern that this language means "we're kind of doing a quick-forward action here - preempting - and we're writing it actually into statute." She asked Mr. Barnhill to comment.

[8:40:33 AM](#)

MR. BARNHILL responded that nothing in HB 237 would preempt any self-regulation by the university. He said AS 14.40.170(b)(1) is the statute that authorizes the Board of Regents to adopt regulations for governments of both the university and the Board of Regents. So, under that authority, he said, the board could adopt any by-law it saw fit, providing for a removal of a regent. He added that the board has never done so. The point, he clarified, is that the legislature has provided that authority of self-governance to the university. By the same token, he continued, the university can provide a procedure under which the governor may remove a regent under appropriate circumstances.

[8:41:36 AM](#)

REPRESENTATIVE COGHILL said the whole premise of HB 237 is that the legislature has the right to "step in and make rules." Furthermore, the proposed legislation recognizes that the governor gets to make the appointment and bear some

responsibility for that. He turned back to page 2, line 30, and asked, "This goes to the question of suspending, ... if there's ... doubt ... [regarding] integrity ...; but couldn't this go to the same degree as just appearing before court for a doggie fine ...?"

[8:42:35 AM](#)

MR. BARNHILL answered no. He stated, "Again, this ties back to charges of a misdemeanor described under (g)(3) of this section." He directed attention to page 3, lines 14-18, which show that the misdemeanor must be one involving dishonesty, breach of trust, or the University of Alaska, and he indicated that a doggy fine would not fall under any of those categories. He said the university holds fiduciary powers, thus, putting someone on suspension status is no different than putting a state employee on administrative leave when charged "with something like this." He concluded, "So, that's all the bill is seeking to do is provide that interim procedure, both for the protection of the university and the protection of the state."

[8:43:53 AM](#)

CHAIR LYNN said he knows that a police officer involved in a shooting is put on administrative leave or suspension until the matter is investigated.

[8:44:14 AM](#)

REPRESENTATIVE GRUENBERG turned to subsection (e), on page 3, which describes that before the suspension takes place, "the governor to the prosecution bears the burden of proof that there's been a charge of a misdemeanor, or whatever the grounds are." Once the suspension has taken place, he said, if the regent wants to lift the suspension, he/she must show cause why the suspension should be lifted, which he said "flips the burden around." He noted that the language is carefully crafted from a constitutional point of view so that the governor bears the burden of persuasion in regard to removing the regent. He mentioned a letter from the chief judge of the Office of Administrative Hearings, which he said indicates that "this is an appropriate type of case to refer to them," but that the governor retains the final authority and responsibility for making the decision.

[8:46:04 AM](#)

REPRESENTATIVE ROSES related that he had had concerns about the misdemeanor aspect of the bill, but they were assuaged by the use of the words, "the governor may", which means the governor is allowed to review each individual case based on its merits.

REPRESENTATIVE ROSES removed his objection [to adopting Version C as a work draft]. There being no further objection, Version C was before the committee as a work draft.

[Representative Doll's objection was treated as withdrawn.]

[8:47:07 AM](#)

REPRESENTATIVE GRUENBERG moved to report CSHB 237, Version 25-LS0839\C, Mischel, 4/20/07, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 237(STA) was reported out of the House State Affairs Standing Committee.

[8:47:39 AM](#)

CHAIR LYNN announced upcoming meeting agenda. He noted that HB 47 may be waived out of committee.

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [8:48:52 AM](#).