



February 12, 2013

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The Honorable Bill Stoltze, Co-Chair  
The Honorable Mark Neuman, Vice-Chair  
House Finance Committee  
Alaska State House of Representatives  
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Juneau, AK 99801

*via email:*

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**Re: House Bill 30 - Relating to Performance Review Reports  
ACLU Review**

Co-Chairs Austerman and Stoltze, Vice-Chair Neuman:

Thank you for the opportunity to submit written testimony regarding House Bill 30, a bill relating to performance review reports of state agencies.

The American Civil Liberties Union of Alaska represents thousands of members and activists throughout the State of Alaska who seek to preserve and expand individual freedoms and civil liberties guaranteed under the United States and Alaska Constitutions. In that regard, we appreciate the opportunity to provide the Committee with our opinions and concerns regarding the proposed legislation.

We would be happy to work with you or the Committee to answer any questions you might have.

### **Overview of the Performance Reports Bill**

The government of the state of Alaska belongs to its citizens, not to its bureaucrats, executives, or legislators. Having the ability to monitor the conduct of individual state agencies and ensure that they are providing appropriate services to the citizens is vitally important.

The bill proposes a system of regular reviews of state agencies, creating a report for each agency including one which determines, among many functions, whether “the agency acted in good faith to correct problems identified in any previous audit or review” and “list agency programs or actions not authorized by statute and identifies other authority for those actions.” Properly executed, the proposed scheme could shed important light on the sometimes insular operations of state agencies.

### **The Performance Reviews Should be Public Records**

The ACLU of Alaska’s primary concern about the bill lies in Section 3, which would make these performance reviews “confidential,” and thus not subject to public records requests. Reading the bill and the parameters of these performance reviews, one could hardly imagine why these reviews should be concealed from public view.

The bill would, among other things, “identify agencies that could be *terminated or consolidated*, reductions in costs, and potential program or cost reductions based on policy changes” and “include draft legislation to correct problems identified in the report that shall be introduced by the senate and house finance committees of the state legislature during the current legislative session.” If the performance reviews are to suggest such enormous consequences like the elimination of state agencies and result in draft legislation, the public deserves to know about it.

The people of Alaska, not the legislature and not the executive branch, are the ultimate arbiters of how state government should be run. Sweeping reviews of executive function should not be concealed from voters. The performance reviews must be made public records.

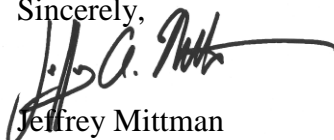
### **Conclusion**

We hope that the Finance Committee will consider our comments on HB 30.

Please feel free to contact the undersigned should you require any additional information. Again, we are happy to reply to any questions that may arise either through written or verbal testimony, or to answer informally any questions which Members of the Committee may have.

Thank you again for the opportunity to share our concerns.

Sincerely,



Jeffrey Mittman  
*Executive Director*  
ACLU of Alaska

cc: Representative Mia Costello, [Rep.Mia.Costello@akleg.gov](mailto:Rep.Mia.Costello@akleg.gov)  
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