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SB 57 The Alaska Sunset Commission

Sectional Analysis

Section 1 – AS 11.56.845 – Page 1, Line 8 through Page 2, Line 7

Adds hindering the Alaska Sunset Commission as a violation punishable by a fine of not more \$5,000.

Section 2 – AS 24.08.060(b) – Page 2, Lines 9 through 23

Amends the statute to allow a mechanism for the Alaska Sunset Commission to introduce bills to the legislature through the Rules Committee.

Section 3 – AS 24.20.206 (8) – Page 3, Lines 24 through 28

Adds to the duties of the Legislative Budget and Audit Committee, the duty to review and prepare a report on the recommendations made by the Alaska Sunset Commission and that the report must be submitted to the House Clerk and Senate Secretary.

Section 4 – AS 39.25.020 – Page 2, Line 29 through Page 3, Line 4

A person may not be appointed to the Alaska Sunset Commission if they are in violation of section 1, but a waiver from the Department of Administration may be granted to someone who was in violation. Notice must be given to the Alaska Sunset Commission and the Legislative Budget and Audit Committee when a waiver under this subsection is granted.

Section 5 – AS 39.25.080(b) – Page 3, Lines 5 through 18

Conforming language adding that personnel records of a person who is dismissed or disciplined for violation of AS 39.25.160(l) (Section 6), are exempt from confidentiality.

Section 6 – AS 39.25.160(l) – Page 3, Lines 20 through 27

Adds that a state employee may not intentionally fail to give full cooperation or coerce another to fail to give full cooperation to the Alaska Sunset Commission.

Section 7 – AS 39.90.140(3) – Page 3, Line 29 through Page 4, Line 8

Adds interference or any failure to cooperate with a matter within the authority of the Alaska Sunset Commission as a “matter of public concern”.

Section 8 – AS 40.25.220 – Page 4, Lines 10 through 14

Adds the Alaska Sunset Commission to the list of public agencies.

Section 9 – Adds the Alaska Sunset Commission to statute in the following new sections

AS 44.99.700 – Establishment of the commission; Composition

Sec. 44.99.700(a) – Page 4, Lines 17 and 18 – Establishes the Alaska Sunset Commission in the Executive Branch of state government.

Sec. 44.99.700(b) – Page 4, Lines 19 through 29 – The commission consists of nine members and codifies a list of specific qualifications.

Sec. 44.99.700(c) – Page 4, Line 30 through Page 5, Line 2 – Members serve in five-year staggered terms until reappointed or replaced.

Sec. 44.99.700(d) – Page 5, Lines 3 through 9 – The Governor shall fill a vacancy by appointment within 30 days of when the vacancy occurs.

Sec. 44.99.700(e) – Page 5, Lines 10 through 12 – The chair shall be selected among members, five members are needed to establish a quorum and official action results from the affirmative vote of five members.

Sec. 44.99.700(f) – Page 5, Lines 13 and 14 – The Commission shall employ staff as needed to perform the duties of the commission.

Sec. 44.99.700(g) – Page 5, Lines 15 through 17 – Members of the commission serve without compensation but are entitled to per diem and travel expenses under AS 39.20.180 (Transportation and per diem expenses for members of boards, commissions, etc.) and that members must comply with AS 39.50 Public Official Financial Disclosures.

AS 44.99.710 – Powers and Duties of the commission

Sec. 44.99.710(a) – Page 5, Line 18 through Page 6, Line 4 – The commission shall review the activities of each entity, consider recommendations including continuing, discontinuing, restructuring, or transferring the duties of the entity to another entity, prepare and submit a report to the legislature. If a state employee is displaced due to a reorganization or discontinuation of a state entity, the commission will work with the Department of Labor in making a reasonable effort to relocate that state employee.

Sec. 44.99.710(b) – Page 6, Lines 5 through 7 – The commission has the authority to require the cooperation of state officials and agencies when compiling the information needed to comply with the reporting requirements of the commission.

Sec. 44.99.710(c) – Page 6, Lines 8 through 15 – Specified that, in the carrying out of their duties, a commission member or designated staff have the right to access meetings, documents, written communication and files normally not made available to the public.

AS 44.99.715 – State entity’s report to the commission

Sec. 44.99.715 – Page 6, Line 16 through Page 7, Line 3 – This section sets requirements for the state entities report to the commission. A state entity is required to, by September 1 of each year, submit a report to the commission that includes the extent to which the state entity has met the criteria of AS 44.99.730, a list of each report that the entity is required to make and if the report is needed any longer. That report will be submitted in electronic format and the entity does not waive any confidentiality privilege by providing information to the commission.

AS 44.99.720 – Review of state entities

Sec. 44.99.720 – Page 7, Line 4 through Page 8, Line 2 – This section sets forth a calendar proposal for the review of state entities starting with DHSS in 2023 and concluding with the Alaska Court System in 2035. The department included in these reviews include boards, commissions, task forces and other groups established by law that are under each entity’s purview.

AS 44.99.730 – Criteria for review

Sec. 44.99.730 – Page 8, Line 3 through Page 9, Line 9 – This section sets a detailed review criteria for the state entity under review, with a focus on statutory compliance, efficiency of operation, fiscal discipline, public engagement and records retention and management among other things. The section also directs the Alaska Sunset Commission to hold public hearings and accept public testimony concerning the state entity under review.

AS 44.99.740 – Report by commission

Sec. 44.99.740 – Page 9, Line 24 through Page 10, Line 5 – Following the full review by the commission of the state entity a report will be submitted with the results of the review and recommendations to either continue, discontinue, restructure, or transfer the duties and programs of the entity. The report will also include a bill in draft form that if enacted into law would implement the recommendations of the report.

If the report includes the discontinuation of a state entity, the report must include a recommended winding-down period for the entity to conclude its business and a proposal for transferring the entities records.

AS 44.99.749 – Page 10, Lines 6 and 7 – “commission” in the preceding sections means the Alaska Sunset Commission.

Section 10 – Page 10, Lines 8 and 9 – Repeal sections of the bill repeals the following:

AS 08.03.020(b) The termination, dissolution, continuation or reestablishment of a regulatory board shall be governed by the legislative oversight procedures of AS 44.66.050.

AS 24.20.231(7) The legislative finance division shall identify the actual reduction in state expenditures in the first fiscal year following a review under AS 44.66.040 resulting from that review and inform the Legislative Budget and Audit Committee of the amount of the reduction

AS 24.20.271(2) The legislative audit division shall conduct a performance review of the agencies listed in AS 44.66.020(a) and make the final review report available to the legislature not later than the first day of the regular session convening in the year after the year designated for each agency performance review in AS 44.66.020(a)

AS 24.20.311(b) (the legislative audit) The annual report must include the actual and projected reductions in state expenditures resulting from reviews conducted under AS 44.66.040.

AS 44.66.020 Statutory requirement that Legislative Budget and Audit review departments annually.

AS 44.66.040 Statutory requirement of the Legislative Audit review team.

AS 44.66.050 Statutory requirement for Legislative Budget and Audit to review and make recommendations for boards and commissions.

AS 44.66.070(2) conforming change for the repeal of the review team.

Section 11 – Page 10, Line 10 – Repeals the repeals in Section 11 of HB 30 passed in the 28th legislature, which would have repealed AS 44.66.020, 44.66.040, and 18 44.66.070(2) in 2023.

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