

# Alaska State Legislature

33rd Legislature 2023-2024

SESSION ADDRESS:  
Alaska State Capitol  
Room 7  
Juneau, Alaska 99801  
907-465-3743  
800-565-3743



INTERIM ADDRESS:  
600 E Railroad Avenue  
Wasilla, Alaska 99654  
907-376-3725  
Sen.Shelley.Hughes@akleg.gov

## Senator Shelley Hughes

District M – Palmer, Butte, Lazy Mountain, Gateway, and Knik-Fairview

### **SB 9 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 than \$5,000.

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

Allows 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 2, Lines 24 through Page 3, Line 22**

Adds duty to the Legislative Budget and Audit Committee 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(b) – Page 3, Lines 23 through 29**

The commissioner of administration shall give written notice to the Alaska Sunset Commission of the intent to grant a waiver to appoint a person to state service who is convicted of AS 11.56.845.

#### **Section 5 – AS 39.25.080(b) – Page 3, Lines 30 through Page 4, Line 12**

A person's records of dismissal or discipline for violation of AS 39.25.160(l) (Section 6) pertaining to the Alaska Sunset Commission are exempt from confidentiality.

#### **Section 6 – AS 39.25.160(l) – Page 4, Lines 13 through 21**

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 4, Line 22 through Page 5, Line 2**

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

**Section 8 – AS 40.25.220(2) – Page 5, Lines 3 through 8**

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

**Section 9 – AS 44.99- Page 5, Line 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 5, Lines 11 and 12 – Establishes the Alaska Sunset Commission in the Executive Branch of state government.

Sec. 44.99.700(b) – Page 5, Lines 13 through 23 – The commission consists of nine members appointed by the governor and confirmed by the legislature in joint session; this section codifies a list of specific member qualifications.

Sec. 44.99.700(c) – Page 5, Lines 24 through 27 – Members serve in five-year staggered terms until reappointed or replaced.

Sec. 44.99.700(d) – Page 5, Line 28 through Page 6, Line 3 – The Governor shall fill a vacancy by appointment within 30 days of when the vacancy occurs.

Sec. 44.99.700(e) – Page 6, Lines 4 through 6 – The chair shall be selected among members; five members constitute a quorum; action may be taken upon the affirmative vote of five members.

Sec. 44.99.700(f) – Page 6, Lines 7 and 8 – The Commission shall employ staff as needed to perform the duties of the commission.

Sec. 44.99.700(g) – Page 6, Lines 9 through 11 – Members of the commission serve without compensation but are entitled to per diem and travel expenses under AS 39.20.180. Members must be in compliance with AS 39.50 Public Official Financial Disclosures.

**AS 44.99.710 – Powers and duties of the commission**

Sec. 44.99.710(a) – Page 6, Lines 12 through 29 – 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 to make a recommendation to relocate that state employee. The commission shall review recommendations made by the Legislative Budget and Audit Committee and submit a report on the recommendations to the governor.

Sec. 44.99.710(b) – Page 6, Line 30 through Page 7, Line 1 – 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 7, Lines 2 through 9 – 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 including those not made available to the public.

#### **Sec. 44.99.720 – State entity’s report to the commission**

Sec. 44.99.720 – Page 7, Lines 10 through 28 – This section sets requirements for the state entities’ reports to the commission. A state entity is required to, by September 1 of the calendar year prior to entity’s scheduled review year, submit an electronic 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. The entity does not waive any confidentiality privilege by providing information to the commission.

#### **Sec. 44.99.730 – Review of state entities**

Sec. 44.99.730(a) – Page 7, Line 29 through Page 8, Line 28 - This section sets forth a repeating 12-year calendar schedule for the review of state entities starting with the Department of Health and the Department of Family and Community Services in 2024 and ending with the Alaska Court System in 2036. The review of an entity must include a review of any public corporation, board, commission, task force, committee, or other group within the entity.

#### **Sec. 44.99.740 – Criteria for review**

Sec. 44.99.740 – Page 8, Line 29 through Page 10, Line 18 – This section lists sixteen detailed criteria the commission is to consider in its review including statutory compliance, mission, efficiency of operation, effectiveness, promptness, fiscal discipline, public engagement, records management, budget, and staffing. The Commission is to hold public hearings and accept public testimony by September 1 each year regarding the criteria for the state entity under review.

#### **Sec. 44.99.750 – Report by commission**

Sec. 44.99.750 – Page 10, Line 19 through Line 31 – Following the full review, the commission shall prepare a report with the results of the review based on the criteria 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 entity’s records.

**Sec. 44.99.759 – Definition**

Sec. 44.99.759 – Page 11, Lines 1 and 2 – “commission” in the preceding sections means the Alaska Sunset Commission.

**Section 10 – Page 11, Lines 3 and 4**

Repeals sections of statutes pertaining to performance audits of agencies conducted by the Legislative Audit Division.

**Section 11- Page 11, Line 5**

Repeals Section 11, ch. 19, SLA 2013.

**Section 12- Page 11, Line 6**

Provides for an immediate effective date under AS 01.10.070(c).