

SENATE BILL NO. 29

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATOR DYSON

Introduced: 1/21/03

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing a sunset date for each department of state government; relating to**
2 **the review of the functions of state agencies, certain instrumentalities of the state, and**
3 **other persons and offices."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 44.66 is amended by adding new sections to read:

6 **Sec. 44.66.052. Ten-year review cycle.** (a) In addition to reviews that may
7 occur under AS 37.07.014 and AS 44.66.010 - 44.66.050, during the calendar year
8 preceding the dates specified in (b) of this section, the Legislative Budget and Audit
9 Committee shall review the activities of the entities listed in (b) of this section.

10 (b) The entities subject to review under AS 44.66.052 - 44.66.058 are as
11 follows:

12 (1) Alaska State Legislature and agencies in the legislative branch of
13 government (July 1, 2005);

14 (2) Office of the Governor and Office of the Lieutenant Governor

1 (July 1, 2006);
 2 (3) Department of Administration (July 1, 2007);
 3 (4) Department of Community and Economic Development (July 1,
 4 2007);
 5 (5) Department of Corrections (July 1, 2008);
 6 (6) Department of Education and Early Development (July 1, 2008);
 7 (7) Department of Environmental Conservation (July 1, 2009);
 8 (8) Department of Fish and Game (July 1, 2009);
 9 (9) Department of Health and Social Services (July 1, 2010);
 10 (10) Department of Labor and Workforce Development (July 1, 2010);
 11 (11) Department of Law (July 1, 2011);
 12 (12) Department of Military and Veterans' Affairs (July 1, 2011);
 13 (13) Department of Natural Resources (July 1, 2012);
 14 (14) Department of Public Safety (July 1, 2012);
 15 (15) Department of Revenue (July 1, 2013);
 16 (16) Department of Transportation and Public Facilities (July 1, 2013);
 17 (17) University of Alaska, Alaska Court System, and agencies in the
 18 judicial branch of government (July 1, 2014).

19 (c) The review of each entity listed in (b) of this section includes review of
 20 any public corporation or other instrumentality of the state that is established within
 21 that entity and review of committees, task forces, and other groups that were
 22 established by law or by the entity for the purpose of advising or otherwise assisting
 23 the entity.

24 (d) An entity listed in (b)(3) - (16) of this section is discontinued on the date
 25 specified for the entity in (b) of this section unless legislation takes effect before that
 26 date that amends (b) of this section to extend the existence of the entity. The
 27 extension shall be for 10 years unless otherwise provided by law.

28 (e) Notwithstanding (d) of this section, if the expiration date specified in
 29 (b)(3) - (16) of this section is reached before legislation takes effect that would amend
 30 and repeal the laws that would necessarily be made obsolete or inconsistent by
 31 discontinuation of the entity, the entity is continued until July 1 of the year following

1 the expiration date. If legislation either extending an entity's termination date in (b) of
 2 this section for 10 years or implementing discontinuation of the entity by amending or
 3 repealing obsolete or inconsistent laws fails to take effect during the additional year of
 4 the entity's continuation, the entity is discontinued on July 1 of the year following the
 5 date specified for discontinuation of the entity in (b) of this section, and the revisor of
 6 statutes shall prepare a bill that amends or repeals the provisions of law that are made
 7 obsolete or inconsistent by discontinuation of the entity; if there is a policy question
 8 about how to amend a law made obsolete or inconsistent by discontinuation of an
 9 entity under this section, the revisor shall follow the directions of the Legislative
 10 Budget and Audit Committee in preparing the amendments to those laws. The
 11 Legislative Budget and Audit Committee shall, under AS 24.08.060(b), introduce the
 12 bill prepared by the revisor under this subsection in the first regular session following
 13 discontinuation of an entity under this subsection.

14 **Sec. 44.66.054. Criteria for ten-year review.** The Legislative Budget and
 15 Audit Committee shall determine whether a public need exists for continuation of an
 16 entity listed in AS 44.66.052 or for the performance of the functions of the entity. In
 17 making this determination, the committee shall consider the following criteria, as
 18 applicable:

- 19 (1) the efficiency with which the entity operates;
- 20 (2) the extent to which the entity seeks out and implements procedures
 21 related to the public that are user-friendly for the public;
- 22 (3) the extent to which the missions of the entity that have been
 23 established by law have been carried out;
- 24 (4) the extent to which the entity has entered into activities not
 25 mandated by statute, the extent to which there is a public need served by those
 26 activities, and the extent to which those activities have been successfully performed;
- 27 (5) whether there is an alternative method of performing the duties and
 28 missions of the entity that could adequately protect the public interest;
- 29 (6) the extent to which advisory committees in the entity are needed
 30 and used by the entity;
- 31 (7) the extent to which the jurisdiction of the entity and the programs

1 administered by the entity overlap or duplicate jurisdictions or programs of other
 2 entities and the extent to which the programs administered by the entity could be
 3 consolidated with the programs of other state entities;

4 (8) the extent to which the entity has recommended statutory changes
 5 to the legislature intended to benefit the public instead of benefiting the occupation,
 6 business, or institution regulated by the entity;

7 (9) the promptness and effectiveness with which the entity disposes of
 8 complaints concerning persons affected by the entity and makes corrections in the
 9 entity's procedures, as needed, to increase the promptness and effectiveness of the
 10 entity;

11 (10) the extent to which the entity has encouraged participation by the
 12 public in making regulations, rules, and decisions, as opposed to encouraging
 13 participation solely by the persons regulated by the entity and the extent to which
 14 public participation has resulted in regulations, rules, and decisions compatible with
 15 the statutory objectives of the entity;

16 (11) the extent to which changes are necessary in the enabling statutes
 17 of the entity so that the entity can adequately comply with, or meet the goals of, the
 18 criteria listed in this section;

19 (12) the extent to which the entity issues and enforces regulations,
 20 rules, and decisions relating to potential conflicts of interest of its employees;

21 (13) the extent to which the entity follows records management
 22 practices that enable the entity to respond efficiently to requests for public
 23 information;

24 (14) the extent to which the entity has complied with applicable federal
 25 and state laws regarding equality of employment opportunity and the rights and
 26 privacy of individuals;

27 (15) the potential for, and effect of, federal intervention or loss of
 28 federal funds if the entity is abolished in whole or in part; however, this paragraph is
 29 not applicable to a review under AS 44.66.052(b)(1), (2), or (17).

30 **Sec. 44.66.056. Ten-year report by the committee.** By December 1 of the
 31 calendar year preceding the date specified for each entity in AS 44.66.052(b), the

1 Legislative Budget and Audit Committee shall issue a report to the rules committee of
2 each house of the legislature regarding the entity. The report must be based on the
3 criteria in AS 44.66.054 and other factors considered to be appropriate by the
4 Legislative Budget and Audit Committee. The report must include a bill in a form
5 that, if enacted into law, would implement the recommendations of the Legislative
6 Budget and Audit Committee as to the entity, including, with respect to an entity listed
7 in AS 44.66.052(b)(3) - (16), repealers and amendments necessary to implement
8 continuation, discontinuation, or transfer of a program or entity if continuation,
9 discontinuation, or transfer of a program or entity is recommended in the report.

10 **Sec. 44.66.058. Consideration of ten-year report.** The presiding officer of
11 each house of the legislature shall refer a report by the Legislative Budget and Audit
12 Committee under AS 44.66.056, including any bill proposed in the report, to a
13 standing committee with appropriate legislative jurisdiction as provided in the uniform
14 rules of the legislature. The standing committee shall hold one or more public
15 hearings to receive testimony about the entity covered by the report. The hearings
16 may be joint hearings. In addition to the report and testimony, the standing committee
17 may consider other information.