

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

April 2, 2024

3:05 p.m.

**MEMBERS PRESENT**

Representative Laddie Shaw, Chair  
Representative Stanley Wright, Vice Chair  
Representative Ben Carpenter  
Representative Ashley Carrick  
Representative Andi Story

**MEMBERS ABSENT**

Representative Craig Johnson  
Representative Jamie Allard

**COMMITTEE CALENDAR**

HOUSE BILL NO. 330

"An Act relating to the use and possession of electronic devices by prisoners."

- HEARD AND HELD

HOUSE BILL NO. 228

"An Act establishing the Alaska mental health and psychedelic medicine task force; and providing for an effective date."

- MOVED CSHB 228(STA) OUT OF COMMITTEE

HOUSE BILL NO. 190

"An Act establishing a violation for hindering the Alaska Sunset Commission; relating to the duties of the legislature; establishing the Alaska Sunset Commission to review and make recommendations on discontinuation of or changes to state entities; relating to the powers and duties of the Alaska Sunset Commission; and providing for an effective date."

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 330

SHORT TITLE: RESTRICT PRISONER ACCESS DIGITAL DEVICES

SPONSOR(S): REPRESENTATIVE(S) VANCE

02/15/24 (H) READ THE FIRST TIME - REFERRALS  
02/15/24 (H) STA  
03/26/24 (H) STA AT 3:00 PM GRUENBERG 120  
03/26/24 (H) -- Testimony <Invitation Only> --  
04/02/24 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 228

SHORT TITLE: MENTAL HEALTH/PSYCHEDELIC MED. TASK FORCE

SPONSOR(s): REPRESENTATIVE(s) ARMSTRONG

01/16/24 (H) PREFILE RELEASED 1/8/24  
01/16/24 (H) READ THE FIRST TIME - REFERRALS  
01/16/24 (H) HSS, STA, FIN  
02/02/24 (H) MLV REPLACES HSS REFERRAL  
02/02/24 (H) BILL REPRINTED  
02/13/24 (H) MLV AT 1:00 PM GRUENBERG 120  
02/13/24 (H) Heard & Held  
02/13/24 (H) MINUTE(MLV)  
02/29/24 (H) MLV AT 1:00 PM GRUENBERG 120  
02/29/24 (H) Heard & Held  
02/29/24 (H) MINUTE(MLV)  
03/05/24 (H) MLV AT 1:00 PM GRUENBERG 120  
03/05/24 (H) Moved CSHB 228(MLV) Out of Committee  
03/05/24 (H) MINUTE(MLV)  
03/06/24 (H) MLV RPT CS(MLV) 1DNP 4NR 1AM  
03/06/24 (H) DNP: SADDLER  
03/06/24 (H) NR: GROH, CARPENTER, SHAW, WRIGHT  
03/06/24 (H) AM: GRAY  
03/13/24 (H) FIN REFERRAL REMOVED  
03/14/24 (H) STA AT 3:00 PM GRUENBERG 120  
03/14/24 (H) Heard & Held  
03/14/24 (H) MINUTE(STA)  
04/02/24 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 190

SHORT TITLE: ALASKA SUNSET COMMISSION

SPONSOR(s): WAYS & MEANS

05/03/23 (H) READ THE FIRST TIME - REFERRALS  
05/03/23 (H) W&M, STA, FIN  
05/08/23 (H) W&M AT 6:00 PM DAVIS 106  
05/08/23 (H) <Bill Hearing Canceled>  
05/09/23 (H) W&M AT 6:00 PM DAVIS 106  
05/09/23 (H) Heard & Held  
05/09/23 (H) MINUTE(W&M)  
01/24/24 (H) W&M AT 6:00 PM DAVIS 106

01/24/24	(H)	Heard & Held
01/24/24	(H)	MINUTE (W&M)
01/31/24	(H)	W&M AT 6:00 PM DAVIS 106
01/31/24	(H)	Heard & Held
01/31/24	(H)	MINUTE (W&M)
02/14/24	(H)	W&M AT 6:00 PM DAVIS 106
02/14/24	(H)	Moved CSHB 190 (W&M) Out of Committee
02/14/24	(H)	MINUTE (W&M)
02/19/24	(H)	W&M RPT CS (W&M) NEW TITLE 4DP 2NR
02/19/24	(H)	DP: MCKAY, MCCABE, TILTON, CARPENTER
02/19/24	(H)	NR: GRAY, GROH
03/12/24	(H)	STA AT 3:00 PM GRUENBERG 120
03/12/24	(H)	Heard & Held
03/12/24	(H)	MINUTE (STA)
03/26/24	(H)	STA AT 3:00 PM GRUENBERG 120
03/26/24	(H)	-- Invited & Public Testimony --
04/02/24	(H)	STA AT 3:00 PM GRUENBERG 120

**WITNESS REGISTER**

REPRESENTATIVE SARAH VANCE  
 Alaska State Legislature  
 Juneau, Alaska

**POSITION STATEMENT:** As prime sponsor, presented HB 330.

BOB BALLINGER, Staff  
 Representative Sarah Vance  
 Alaska State Legislature  
 Juneau, Alaska

**POSITION STATEMENT:** Provided a video during the presentation on HB 330, on behalf of Representative Vance, prime sponsor.

PHILIP LICHT, President and CEO  
 Set Free Alaska  
 Palmer, Alaska

**POSITION STATEMENT:** Provided invited testimony during the hearing on HB 330.

JOHN PILCHER, Associate Vice President of Sales and Engineering  
 ViaPath Technologies  
 (No address provided)

**POSITION STATEMENT:** Provided invited testimony during the hearing on HB 330.

PELICIA HALL, Senior Vice President  
 ViaPath Technologies  
 Madison, Mississippi

**POSITION STATEMENT:** Provided invited testimony during the hearing on HB 330.

APRIL WILKERSON, Deputy Commissioner  
Department of Corrections  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 330.

MICHAEL DEMOLINA, PhD, President  
Wisdom Traditions  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 228.

REPRESENTATIVE JENNIFER ARMSTRONG  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 228, as prime sponsor.

REPRESENTATIVE BEN CARPENTER  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 190 on behalf of the House Special Committee on Ways and Means, sponsor, on which he serves as chair.

ERIC BEVERLY, Executive Director  
Texas Sunset Advisory Commission  
Austin, Texas

**POSITION STATEMENT:** Provided invited testimony during the hearing on HB 190.

EMILY JOHNSON, Deputy Director for Reviews  
Texas Sunset Advisory Commission  
Austin, Texas

**POSITION STATEMENT:** Answered questions during the hearing on HB 190.

DONNA ARDUIN, Staff  
Representative Ben Carpenter  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 190, on behalf of Representative Carpenter, Chair of the House Special Committee on Ways and Means, sponsor.

**ACTION NARRATIVE**

3:05:39 PM

**CHAIR LADDIE SHAW** called the House State Affairs Standing Committee meeting to order at 3:05 p.m. Representatives Carpenter, Carrick, Story, Wright and Shaw were present at the call to order.

**HB 330-RESTRICT PRISONER ACCESS DIGITAL DEVICES**

3:06:45 PM

CHAIR SHAW announced that the first order of business would be HOUSE BILL NO. 330, "An Act relating to the use and possession of electronic devices by prisoners."

3:07:15 PM

REPRESENTATIVE SARAH VANCE, Alaska State Legislature, as prime sponsor, introduced HB 330. She provided a sponsor statement, [included in the committee packet], which read as follows [original punctuation provided]:

House Bill 330 embodies a common-sense and impactful approach to correctional reform. By authorizing institutions to provide prisoners with restricted access to tablets for education, reentry, and essential life purposes, this legislation extends opportunity and a path toward successfully reintegrating into society without the likelihood of future criminal activity. This strategy for preparing prisoners for successful reentry isn't primarily rooted in compassion; it's also a strategic public safety measure.

Recognizing the pivotal role education plays in breaking the criminal cycle, HB 330 enables access to limitless educational and programming resources through tablets. By acknowledging the transformative influence of learning in the rehabilitation process, the bill prioritizes the State's long-term goal of reintegrating individuals into society as productive and law-abiding citizens, thereby preventing future crimes and avoiding any future victims.

Allowing inmates restricted access to tablets does not constitute a luxury or reward. To the contrary, in our digital era, investing in education and rehabilitation through technology isn't about being soft on crime; it's about tackling the underlying causes of criminal behavior, thereby reducing recidivism rates and preventing new crimes.

Research consistently underscores how effective education is in reducing the likelihood of an individual committing a new crime. By equipping individuals with the knowledge and skills required for a constructive life, HB 330 not only enhances public safety but also alleviates the financial strain linked with incarcerating repeat offenders. The resultant cost savings could potentially rescue the state millions of dollars in the long run, rendering this legislation a prudent investment in societal well-being.

[3:10:10 PM](#)

The committee took a brief at-ease.

[3:10:32 PM](#)

BOB BALLINGER, Staff, Representative Sarah Vance, Alaska State Legislature, provided a video during the presentation of HB 330, on behalf of Representative Vance, prime sponsor. The video, titled "DC jails and AWS CPC," described a partnership with American Prison Data Systems and Amazon Webservices to help provide cloud certification programs for incarcerated people.

[3:14:32 PM](#)

REPRESENTATIVE VANCE provided a PowerPoint presentation, titled "HB 330 Restrict Digital Access to Prisoners" [hard copy included in the committee packet]. She stated that participation in correctional education programs significantly reduced the risk of recidivism. She moved to slide 4 and said that those who are enrolled in post-secondary education programs while incarcerated were 48 percent less likely to be reincarcerated than those who do not pursue further education.

REPRESENTATIVE VANCE moved to slide 5, titled "Path to Employment," which read as follows [original punctuation provided]:

Formerly incarcerated people are unemployed at a rate of over 27 percent - higher than the total U.S. unemployment rate during any historical period, including the Great Depression

REPRESENTATIVE VANCE moved to slide 6, titled "Barriers to Participation," which read as follows [original punctuation provided]:

Among the 57% of people in state prisons who had never participated in education programming; 18% cite never being offered the opportunity.

REPRESENTATIVE VANCE said that research indicates that gainful employment post-release significantly decreases the likelihood of recidivism. Investing in skills developed during incarceration is beneficial to individuals and the community. She noted the barriers to educational opportunities due to funding issues.

REPRESENTATIVE VANCE moved to slide 7, titled "Educational Aspirations of Prisoners," which read as follows [original punctuation provided]:

70%  
Want to participate in education

29%  
Of the 70%, 29% want earn a certificate from a college or trade school

18%  
Of the 70%, 18% want to earn a certificate from a high school diploma/GED or an Associate's degree

REPRESENTATIVE VANCE moved to slide 8, titled "Return on Investment in Correctional Education," which read as follows [original punctuation provided]:

For every dollar spent on correctional education, \$5 is saved in three-year re-incarceration costs  
- a 400% ROI

REPRESENTATIVE VANCE said that HB 330 enhances public safety and results in cost savings. She made note of the attached zero fiscal note. She explained that the bill also offers the

opportunity for incarcerated individuals to connect with their legal counsel and families.

[3:18:54 PM](#)

PHILIP LICHT, President and CEO, Set Free Alaska, described services offered to those who are reentering the community after incarceration. He described that in his experience, the more disconnected from their family and communities people become, the more difficult it is to reintegrate them, and thus are more likely to commit new crimes, which perpetuates the cycle.

MR. LICHT said he is a strong proponent of educational opportunities for incarcerated individuals. Rehabilitation will help with reintegration. He mentioned it can be a challenge to provide services to incarcerated individuals due to technological limitations within institutions. He mentioned that his younger brother currently is incarcerated in Arizona and has access to a tablet. He described the benefits for incarcerated individuals to be able to communicate with family members and participate in educational programs on the tablet. He explained that families of people who are incarcerated pay for the ability to text and contact the person through a third-party program. He expressed his opinion that HB 330 could benefit incarcerated individuals in Alaska.

[3:23:40 PM](#)

REPRESENTATIVE VANCE passed around an example tablet on behalf of the invited testimony from ViaPath Technologies.

[3:24:15 PM](#)

The committee took a brief at-ease.

[3:24:41 PM](#)

JOHN PILCHER, Associate Vice President of Sales and Engineering, ViaPath Technologies, provided a demonstration of the purpose-built tablet for corrections facilities and explained that each offender would utilize their unique pin which is paired with a photo for added security. He explained how the tablets were designed with security in mind.

MR. PILCHER showed an inmate handbook that needs to be acknowledged by the user before proceeding to use the tablet. He showed a profile page, which has educational content

available to the offenders. He mentioned that offenders can continue to access their educational accounts after incarceration as they reintegrate into the community.

MR. PILCHER showed the education application and said that teachers are given access to assign work. He discussed electronic communication on the tablet, which provides a secure environment for inmates to communicate with their families. No apps or Internet access is available on the tablets other than Department of Corrections (DOC) approved secured content.

MR. PILCHER explained that video visitation can be utilized on tablets and has a secure internal system that can be monitored and recorded by the facility.

[3:29:45 PM](#)

PELICIA HALL, Senior Vice President, ViaPath Technologies, emphasized educational, vocational, and family reunification services and substance abuse and mental health treatment programs that are available through the program. She explained that the tablets serve as a force multiplier for correctional systems. She noted a lack of adequate staff in corrections facilities across the country. Devices provide services at the fingertips of incarcerated people. Communication services help to ensure a pathway of rehabilitation and reentry. She highlighted the stringent security of the devices.

[3:32:11 PM](#)

REPRESENTATIVE WRIGHT asked for more information about how incarcerated individuals can contact friends and family utilizing the tablets.

MR. PILCHER explained that friends and family can request contact with an offender and then DOC staff can approve or disapprove the communication. The communications offered include messaging and video calls.

[3:33:00 PM](#)

REPRESENTATIVE STORY asked about the fiscal note and whether tablets already exist in the facilities.

REPRESENTATIVE VANCE said that the cost of the tablets would not be incurred by the state. She explained that there are a

variety of third-party opportunities as well as payment by the families of inmates for tablets.

[3:34:14 PM](#)

APRIL WILKERSON, Deputy Commissioner, Department of Corrections, said that there is currently a pilot program that is limited and is approved for attorney-client meetings. She said DOC is working with the Parole Board to utilize ViaPath Technologies to reduce the travel costs associated with parole hearings. She said DOC is working with courts to undergo court hearings on the tablets. She said there is currently a limited number of tablets at the Goose Creek Correctional Center for video court hearings.

REPRESENTATIVE STORY expressed her excitement about the bill. She asked what HB 330 will mean to DOC.

MS. WILKERSON expressed the hope to increase efficiency and expand program capabilities. The department hopes to deploy telemedicine through tablets. She reported that in 2023, just over 5,000 individuals were transported outside the institution for medical purposes. Through preventative telemedicine, medical costs for the incarcerated can be significantly reduced. The implementation of tablets creates an opportunity to offset manual processes like paper mail. She explained that requests for information currently involve handwritten requests and responses. Converting to an electronic process would generate efficiency and alleviate manual processes.

[3:38:18 PM](#)

REPRESENTATIVE STORY asked if any security issues have arisen within the pilot project.

MS. WILKERSON explained that there are currently only six active tablets and about 300 are expected to be deployed by the end of month. A slow roll-out will help to ensure security is maintained within the institution.

REPRESENTATIVE STORY asked for more information about security.

MR. PILCHER explained that the tablet software is custom-built for corrections. He described the internal wireless infrastructure, which is installed by ViaPath Technologies and is accessible only by ViaPath Technologies tablets.

[3:40:07 PM](#)

REPRESENTATIVE STORY asked who provides instruction for the educational components of the software.

MS. HALL explained that ViaPath Technologies is partnered with third parties who provide educational content. ViaPath Technologies has its own learning management system that provides thousands of courses with evidence-based programming. There is a catalog of programming available for vocational services and a myriad of other topics. Educational programs are carefully vetted for robust educational services.

[3:42:10 PM](#)

REPRESENTATIVE CARRICK asked if visitation at DOC is back to pre-COVID-19 pandemic standards.

MS. WILKERSON answered yes.

REPRESENTATIVE CARRICK asked if the current methods for visitation are in person or over the phone.

MS. WILKERSON answered yes. She described the different types of visitations.

REPRESENTATIVE CARRICK asked about cost of phone calls within corrections facilities.

MS. WILKERSON answered that currently inmates pay for phone calls. Currently, four free phone calls are provided per week.

REPRESENTATIVE CARRICK asked if there is a cost for in-person visitation.

MS. WILKERSON answered that in-person visitation incurs no cost to incarcerated individuals or their families.

REPRESENTATIVE CARRICK mentioned that she supports the proposed legislation. She expressed her concern with the sponsor statement's reference to cost-savings.

MS. WILKERSON offered her reassurance that the department will continue to maintain in-person visitation. She stated the HB 330 is an enhancement not replacement of current operations.

[3:45:29 PM](#)

REPRESENTATIVE CARPENTER asked who would own the devices.

MS. WILKERSON said they are owned by ViaPath Technologies and made available through a lease program.

MR. PILCHER confirmed that the tablets are provided and owned by ViaPath Technologies.

REPRESENTATIVE CARPENTER asked about the payment models utilized to pay for tablet leases.

MS. WILKERSON explained that the model will depend on the legislation and request for proposal among contractors. Under the current pilot program, DOC is not responsible for costs.

REPRESENTATIVE CARPENTER asked if costs would shift to families.

MS. WILKERSON answered that the costs would depend on the outcome of negotiations through procurement and contractors. She said that she envisions a certain level of free use and then costs may be shifted to families or incarcerated individuals.

REPRESENTATIVE CARPENTER asked about device maintenance and whether DOC will need to pay to have employees trained to maintain the devices.

MS. WILKERSON said the intent of DOC is to ensure that the provider maintains the equipment. Viapath Technologies has provided its own infrastructure and is responsible for maintenance. She said DOC may be responsible for only a small amount of troubleshooting.

REPRESENTATIVE CARPENTER asked about software upgrades.

[3:49:41 PM](#)

MR. PILCHER stated that software updates are carried out remotely.

MS. HALL explained that it is not the desire of ViaPath Technologies to implement a model where families or incarcerated individuals pay for the devices.

REPRESENTATIVE CARPENTER asked about communication recordings and how attorney-client privileged conversations remain private.

MR. PILCHER explained that there is a provision in the technology to mark someone as a "professional visitor" and those conversations would not be recorded. For conversations with friends and families, a notification is utilized to inform those parties that they will be recorded.

REPRESENTATIVE CARPENTER asked if the department would need to upgrade the Wi-Fi.

MS. WILKERSON responded that the DOC infrastructure is old and has worked with ViaPath Technologies to install a new network.

[3:52:33 PM](#)

REPRESENTATIVE STORY asked how ViaPath Technologies was chosen.

MS. WILKERSON answered that she is aware of about five businesses with similar corrections-grade tablets. The department coordinated with the National Association of State Procurement Officials (NASPO) and initiated a contract with ViaPath Technologies.

[3:54:07 PM](#)

REPRESENTATIVE SHAW announced that HB 330 was held over.

**HB 228-MENTAL HEALTH/PSYCHEDELIC MED. TASK FORCE**

[3:54:20 PM](#)

CHAIR SHAW announced that the next order of business would be HOUSE BILL NO. 228, "An Act establishing the Alaska mental health and psychedelic medicine task force; and providing for an effective date." [Before the committee was CSHB 228(MLV).]

[3:54:42 PM](#)

REPRESENTATIVE CARRICK moved to adopt Amendment 1 to CSHB 228(MLV), labeled 33-LS0976\P.1, Bergerud, 3/20/24, which read as follows:

Page 1, line 1:

Delete "mental health and psychedelic medicine task force"

Insert "task force for the regulation of psychedelic medicines approved by the United States Food and Drug Administration"

Page 1, line 6:

Delete "MENTAL HEALTH AND PSYCHEDELIC MEDICINE TASK FORCE"

Insert "TASK FORCE FOR THE REGULATION OF PSYCHEDELIC MEDICINES APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION"

Page 1, line 7:

Delete "mental health and psychedelic medicine task force"

Insert "task force for the regulation of psychedelic medicines approved by the United States Food and Drug Administration"

Page 3, lines 16 - 17:

Delete "mental health and psychedelic medicine task force"

Insert "task force for the regulation of psychedelic medicines approved by the United States Food and Drug Administration"

[3:54:48 PM](#)

REPRESENTATIVE WRIGHT objected.

REPRESENTATIVE CARRICK explained that Amendment 1 to CSHB 228(MLV) changes the name of the task force to provide clarity about what the task force will do. She emphasized that the task force will not take a position on the legalization, decriminalization, or medicalization of psychedelic drugs. She said the new title accurately describes the task force as being responsible for making statutory and regulatory recommendations to the Alaska State Legislature should the Food and Drug Administration (FDA) approve psychedelic medicine.

[3:55:35 PM](#)

The committee took a brief at-ease.

[3:56:28 PM](#)

REPRESENTATIVE WRIGHT removed his objection. There being no further objection, Amendment 1 was adopted.

[3:56:34 PM](#)

CHAIR SHAW opened public testimony on CSHB 228(MLV), [as amended].

[3:56:46 PM](#)

MICHAEL DEMOLINA, PhD, President, Wisdom Traditions, provided his personal background as a veteran and behavioral science specialist. He provided information about the California Institute of Integral Studies program, which is likely to become the program the FDA will approve if psychedelic medicine is approved. He explained that he is in support of HB 228 because it puts Alaska ahead of the curve, if the FDA medicalizes psychedelic medicine, which may occur as soon as August 2024. He noted his experience and expertise on traumatic stress disorders and the potential opportunities for trauma treatment. He explained that, without a task force, Alaska would lack necessary guidelines.

[3:59:23 PM](#)

CHAIR SHAW, after ascertaining that no one else wished to testify, closed public testimony on CSHB 228(MLV), as amended.

[3:59:37 PM](#)

REPRESENTATIVE JENNIFER ARMSTRONG, Alaska State Legislature, as prime sponsor, provided wrap up comments for CSHB 228(MLV), as amended. She noted that many medical treatments can be controversial. The creation of the task force is not intended to promote or take a position on psychedelic medicines. The reason for the task force is to ensure a thorough conversation around licensing in the state.

[4:01:13 PM](#)

REPRESENTATIVE STORY expressed her appreciation and asked about the makeup of the task force.

REPRESENTATIVE ARMSTRONG answered that there would be 16 slots on the task force, which include a commissioner or designee from the Departments of Health, Military and Veteran's Affairs, and Commerce, Community, and Economic Development. There would be spots on the task force for people who represent mental health issues in the state, members from the Alaska Native Health Board, a psychiatrist, a member who represents health care needs of survivors of domestic violence and sexual assault, and medical professionals. Finally, the task force would include

members from the Alaska State Senate, House of Representatives, and three members selected by the task force once assembled.

[4:03:40 PM](#)

REPRESENTATIVE WRIGHT moved to report CSHB 228 (MLV), as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 228 (STA) was reported out of the House State Affairs Standing Committee.

[4:04:07 PM](#)

The committee took an at-ease from 4:04 p.m. to 4:06 p.m.

**HB 190-ALASKA SUNSET COMMISSION**

[4:06:07 PM](#)

CHAIR SHAW announced that the final order of business would be HOUSE BILL NO. 190, "An Act establishing a violation for hindering the Alaska Sunset Commission; relating to the duties of the legislature; establishing the Alaska Sunset Commission to review and make recommendations on discontinuation of or changes to state entities; relating to the powers and duties of the Alaska Sunset Commission; and providing for an effective date." [Before the committee was CSHB 190 (W&M).]

[4:06:32 PM](#)

REPRESENTATIVE BEN CARPENTER, Alaska State Legislature, presented CSHB 190 (W&M) on behalf of the sponsor, the House Special Committee on Ways and Means, on which he serves as chair. He stated the purpose of the proposed legislation is to improve state government. Through CSHB 190 (W&M), a third-party review would be created under the lieutenant governor called the Sunset Commission, which is modeled after the Texas Sunset Advisory Commission.

[4:08:44 PM](#)

ERIC BEVERLY, Executive Director, Texas Sunset Advisory Commission, provided information about the commission and how it utilizes objective analysis to improve state government. State agencies in Texas undergo sunset review about every 12 years. Agencies are evaluated to determine if they are achieving

statutory objectives, operating efficiently and cost-effectively, and encouraging public participation.

MR. BEVERLY explained that since the Texas Sunset Commission began its work in the 1970s, 95 agencies have been abolished or have transferred some functions to new agencies. The Texas Sunset Advisory Commission has garnered \$1 billion dollars; \$16 has been gained for every \$1 appropriated to the commission since 1985. The sunset process shines a light on an agency to determine if it conforms to best practices. The sunset process has led to major improvements in nearly every area of Texas state government. Unnecessary state agencies and programs have been abolished; state laws have been modernized; state expenditures have been reduced; public participation in government accountability has increased; and duplication among state agencies and programs has been eliminated.

[4:12:12 PM](#)

MR. BEVERLY discussed the improvements made to the monitoring of highway contracts, strengthened internal controls, and a more integrated and understandable transportation planning process, because of the Texas Sunset Advisory Commission. He described improvements for the Public Utility Commission, environmental regulators, and oil and gas regulators of Texas. He discussed the reorganization and streamlining of the Departments of Health and Human Services of Texas. He said that generally, the Texas Sunset Advisory Commission generates cost-savings; however, occasionally the commission requires a fiscal impact remedy. He further emphasized the importance of public participation in the sun setting process.

[4:17:19 PM](#)

REPRESENTATIVE CARRICK asked if an agency-wide audit process existed prior to the Texas Sunset Advisory Commission.

MR. BEVERLY answered that in Texas there is a state auditor's office and Legislative Budget Board, which predate the sunset commission.

[4:18:05 PM](#)

EMILY JOHNSON, Deputy Director for Reviews, Texas Sunset Advisory Commission, explained that the Texas Sunset Advisory Commission was built into the Legislative Budget Board for some time. Currently, the commission is separate.

REPRESENTATIVE CARRICK asked if the legislative audit process in Texas involved an agency-wide audit prior to the implementation of the Texas Sunset Advisory Commission.

MR. BEVERLY answered that he was unsure.

[4:19:20 PM](#)

REPRESENTATIVE STORY asked about the makeup of the Texas Sunset Advisory Commission.

MR. BEVERLY explained that the lieutenant governor appoints five Senators and one public member, and the speaker of the House appoints five state Representatives and another public member, for a total of twelve members. The legislative members serve four-year terms, and the public members serve two-year terms.

REPRESENTATIVE STORY asked why the commission utilizes state lawmakers as members of the commission. She explained that the proposed legislation calls for the commission to be made up of private industry representatives.

MS. JOHNSON explained that there is a piece of legislation that comes out of the sunset process, in Texas, which indicates why legislative members make up the commission.

REPRESENTATIVE STORY asked whether the Texas University system is examined by the Texas Sunset Advisory Commission.

MR. BEVERLY replied that the commission reviews are limited to executive branch agencies. Universities and courts are exempt from review in Texas. However, the Texas Higher Education Coordinating Board is reviewed.

MS. JOHNSON made note of components that are under special review within the higher education system.

[4:22:10 PM](#)

REPRESENTATIVE STORY asked why the commission is made up of members outside the government.

REPRESENTATIVE CARPENTER said he thought it was important to keep the commission apolitical for continuity between election cycles. He emphasized his preference for members with subject-

matter expertise to examine budgets, accounting, and the management of various government agencies.

REPRESENTATIVE STORY asked about the intent to include the University of Alaska (UA) system in the list of agencies the Alaska Sunset Commission would examine.

REPRESENTATIVE CARPENTER opined that UA should stand on its own and rely less on state government. Because they are currently funded like any another department within state government, he stated the intention to utilize the proposed Alaska Sunset Commission to ensure that the universities operate as efficiently as possible with respect to the state's budget.

REPRESENTATIVE STORY noted the legal privileges and potential power to commissioners and whether Representative Carpenter foresees any legal liabilities.

REPRESENTATIVE CARPENTER answered no. He said that CSHB 190(W&M) creates statute for commissioner authority. If there are concerns, the bill could be amended, which would reduce the authority of the Alaska Sunset Commission. The goal of the bill is to grant subject matter experts the opportunity to help improve state government.

[4:26:23 PM](#)

DONNA ARDUIN, Staff, Representative Ben Carpenter, on behalf of Representative Carpenter, Chair of the House Special Committee on Ways and Means, sponsor of the bill, explained that the only authority the Alaska Sunset Commission would have under CSHB 190(W&M) would be to provide a report and draft legislation to the legislature regarding agency sunsets.

REPRESENTATIVE CARPENTER expressed that his intent in bringing CSHB 190(W&M) forward is not to abolish departments, but to create a method to increase government efficiency by requiring government action and attention to the commission's findings.

REPRESENTATIVE STORY referenced page 5, lines 3-7, of CSHB 190(W&M), which read as follows:

(c) In carrying out its functions under AS 44.99.700 - 44.99.759, the commission or designated staff may attend any meetings and proceedings of any entity of the state, including any meeting or proceeding of a governing body of a state entity that

is closed to the public, and may inspect the records, documents, and files of any entity of the state, including any record, document, or file that is

REPRESENTATIVE STORY made note that the broad access granted to the commission for the inspection of government entities gives her pause.

REPRESENTATIVE CARPENTER commented that legislative auditors and staff have a similar level of authority regarding state audits.

REPRESENTATIVE STORY pointed to the great expense in the fiscal note involved with investing in the Alaska Sunset Commission. She asked if improvements could be made to the state auditing process as an alternative.

REPRESENTATIVE CARPENTER said that he sees the creation of the Alaska Sunset Commission as an improvement not a replacement to the state auditor. He explained that the Alaska Sunset Commission would do a "deep dive" on state agencies, while the state auditor has other responsibilities.

REPRESENTATIVE STORY emphasized the importance of the current auditing process.

REPRESENTATIVE CARPENTER expressed his frustration that audits have little to no impact on the effectiveness of state agencies.

MS. ARDUIN said that the state auditor conducts financial audits. Since 2013, in statute, auditors could contract out for performance review audits. That legislation sunset last year due to underutilization. The Alaska Sunset Commission was proposed in response.

[4:31:15 PM](#)

REPRESENTATIVE CARRICK moved to adopt Amendment 1 to CSHB 190(W&M), labeled 33-LS0685\S.1, Wallace, 3/20/24, which read as follows:

Page 4, line 29:

Delete "and draft legislation"

Page 7, lines 13 - 16:

Delete "The commission shall include in the report draft legislation to implement the recommendations of the commission. Draft legislation

must be submitted to the rules committee of each house with a request to introduce the legislation to implement the recommendations of the commission."

REPRESENTATIVE WRIGHT objected for the purpose of discussion.

REPRESENTATIVE CARRICK noted that she appreciated the bill discussion. She commented that performance review audits are a valuable resource. The data collection that would be achieved by the Alaska Sunset Commission would be largely similar to the legislative audit findings if performance review measures were included. She explained that the amendment deletes references to drafting legislation. A report would be prepared in lieu of legislation. She emphasized that legislative audit findings should be taken seriously.

[4:34:06 PM](#)

REPRESENTATIVE WRIGHT asked to hear from the bill sponsor regarding Amendment 1.

REPRESENTATIVE CARPENTER reiterated that the purpose of creating the Alaska Sunset Commission would be to hire subject matter experts to take a close look at state agencies to find improvements to state government. He opined that generating recommended bill language through the commission would be an efficient way to act on commission recommendations.

[4:35:58 PM](#)

REPRESENTATIVE STORY commented that she finds it unrealistic to expect industry representatives to draft legislation. She offered her support of Amendment 1.

REPRESENTATIVE CARPENTER said that the individuals with subject matter expertise would have staff to help with report writing to draft legislation.

[4:37:07 PM](#)

REPRESENTATIVE WRIGHT maintained his objection.

[4:37:20 PM](#)

The committee took an at-ease from 4:37 p.m. to 4:38 p.m.

[4:38:22 PM](#)

A roll call vote was taken. Representatives Carrick and Story voted in favor of Amendment 1 to CSHB 190(W&M). Representatives Carpenter, Wright, and Shaw voted against it. Therefore, Amendment 1 failed to be adopted by a vote of 2-3.

[4:38:56 PM](#)

REPRESENTATIVE CARRICK moved to adopt Amendment 2 to CSHB 190(W&M), labeled 33-LS0685\S.2, Wallace 3/20/24, which read as follows:

Page 3, line 27:  
Delete "and"

Page 3, line 28, following "representatives":  
Insert ", and four members appointed by the commissioner of the department being reviewed under AS 44.99.730 or the president of the University of Alaska if the University of Alaska is being reviewed under AS 44.99.730. Members appointed by the commissioner or president of the University of Alaska under this subsection must be employees of the department or the University of Alaska that is under review under AS 44.99.730"

Page 3, following line 31:  
Insert a new paragraph to read:  
"(1) by the governor, the president of the senate, or the speaker of the house of representatives"

Page 4, line 1:  
Delete "(1)"  
Insert "(A)"

Page 4, line 3:  
Delete "(2)"  
Insert "(B)"

Page 4, line 3, following "reappointed":  
Insert "; and  
(2) by the commissioner or president of the University of Alaska serve until the review of that department or the University of Alaska is complete under AS 44.99.730"

REPRESENTATIVE WRIGHT objected for the purpose of discussion.

REPRESENTATIVE CARRICK provided an example of how employees of agencies are fit to report serious inefficiency issues, challenges, and needs. She explained that Amendment 2 adds four additional seats on the commission for department or agency representatives to create an inside perspective on the operations of each department.

[4:41:14 PM](#)

REPRESENTATIVE WRIGHT asked to hear from bill sponsor.

REPRESENTATIVE CARPENTER explained that the legislative auditor can complete their audits without input from the administration. He commented that Amendment 2 would create complications.

MS. ARDUIN added that the agency under review can create a report for the commission. By starting with self-reporting, problems can be highlighted early in the auditing process.

REPRESENTATIVE CARPENTER commented that the intent of the proposed Alaska Sunset Commission is to be interactive with departments. He highlighted that department workers are aware of what is broken but lack the ability to fix issues due to time, personnel, and budget constraints. Department input is essential to the process, and the bill includes the solicitation of that input at the start of the agency audit. He commented that he is not in favor of Amendment 2.

REPRESENTATIVE STORY emphasized the importance of Amendment 2. She compared the proposed commission to the Texas Sunset Advisory Commission and made note of departmental involvement.

REPRESENTATIVE CARRICK said that Amendment 2 ensures that departmental involvement is represented throughout the entire process and not just in the initial report. She emphasized the importance of including departmental representatives in providing efficiency recommendations.

[4:44:03 PM](#)

REPRESENTATIVE WRIGHT maintained his objection.

[4:44:08 PM](#)

A roll call vote was taken. Representatives Carrick and Story voted in favor of Amendment 2 to CSHB 190(W&M). Representatives Wright, Carpenter, and Shaw voted against it. Therefore, Amendment 2 failed to be adopted by a vote of 2-3.

[4:44:39 PM](#)

REPRESENTATIVE CARRICK moved to adopt Amendment 3 to CSHB 190(W&M), labeled 33-LS0685\S.3, Wallace, 3/20/24, which read as follows:

Page 5, lines 30 - 31:  
Delete "at least"

Page 6, line 1:  
Delete "each"  
Insert "every other year"

Page 7, line 11:  
Delete "a"  
Insert "the first regular"

REPRESENTATIVE WRIGHT objected.

REPRESENTATIVE CARRICK explained that Amendment 3 changes the frequency of agency review to every other year to allow more time for the legislature to act on recommendations. She offered that by changing the frequency, the potential for politicization would be reduced. She made note of the complexity of auditing large departments, which may involve significant changes to act upon and lengthy policy discussions.

[4:46:59 PM](#)

REPRESENTATIVE WRIGHT commented that Amendment 3 takes away from the spirit of the bill. He asked to hear from the bill sponsor.

REPRESENTATIVE CARPENTER commented that the legislature "has the time and lacks the will." He argued that reducing the frequency of agency review prolongs difficult conversations that are necessary to increase government efficiency. With a focused team, 12 months is plenty of time to provide recommendations to the legislature, he opined.

MS. ARDUIN commented that the Texas Sunset Advisory Commission reviews one department every year, and therefore every 12 years a given agency is reviewed. If Amendment 3 was adopted, the

time between agency reviews would double. She commented that HB 190 was amended by House Special Committee on Ways and Means to change the bill language to include the words "at least" to allow for the possibility that multiple smaller agencies could be reviewed in the same year.

REPRESENTATIVE CARRICK commented that regarding board and commission sunsets, adequate consideration of audits by the legislature has not been practiced. She explained that Amendment 3 would help to provide more time for the legislature to address recommendations that come forth.

REPRESENTATIVE WRIGHT maintained his objection.

[4:51:15 PM](#)

A roll call vote was taken. Representatives Story and Carrick voted in favor of Amendment 3 to CSHB 190(W&M). Representatives Wright, Carpenter, and Shaw voted against it. Therefore, Amendment 3 failed to be adopted by a vote of 2-3.

[4:51:48 PM](#)

CHAIR SHAW opened public testimony on CSHB 190(W&M). After ascertaining that no one wished to testify, he closed public testimony.

[4:51:57 PM](#)

CHAIR SHAW announced that CSHB 190(W&M) was held over.

[4:52:19 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:52 p.m.