

1 IN THE HOUSE

BY PHILLIPS

2 HOUSE BILL NO. 39

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the termination, continuation and
7 reestablishment of state agencies, boards and commis-
8 sions, and establishing a procedure for periodic
9 legislative review of the programs and activities of
10 state government."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 * Section 1. AS 44 is amended by adding a new chapter to read:

13 CHAPTER 90. TERMINATION AND CONTINUATION OF
14 STATE AGENCIES, BOARDS AND COMMISSIONS.

15 Sec. 44.90.010. TERMINATION OF STATE AGENCIES, BOARDS AND COMMIS-
16 SIONS. (a) The departments of state government listed in this sub-
17 section have a termination date of June 30 of the year set out after
18 each:

- 19 (1) Department of Education (AS 44.27.010 - 44.27.020) --
20 1979;
- 21 (2) Department of Health and Social Services (AS 44.29.010 -
22 44.29.020) -- 1979;
- 23 (3) Department of Highways (AS 44.44.010 - 44.44.020) -- 1980;
- 24 (4) Department of Labor (AS 44.31.010 - 44.31.020) -- 1980;
- 25 (5) Department of Public Works (AS 44.43.010 - 44.43.020) --
26 1980;
- 27 (6) Department of Commerce and Economic Development
28 (AS 44.33.010 - 44.33.020) -- 1981;
- 29 (7) Department of Community and Regional Affairs

1 (AS 44.47.010 - 44.47.050) -- 1981;

2 (8) Department of Environmental Conservation (AS 44.46.010 -
3 44.46.020) -- 1981;

4 (9) Department of Fish and Game (AS 44.39.010 - 44.39.020) --
5 1981;

6 (10) Department of Natural Resources (AS 44.37.010 - 44.37.-
7 030) -- 1981;

8 (11) Department of Administration (AS 44.21.010 - 44.21.020) --
9 1982;

10 (12) Department of Law (AS 44.23.010 - 44.23.020) -- 1982;

11 (13) Department of Military Affairs (AS 44.35.010 -
12 44.35.020) -- 1982;

13 (14) Department of Public Safety (AS 44.41.010 - 44.41.020) --
14 1982;

15 (15) Department of Revenue (AS 44.25.010 - 44.25.020) -- 1982.

16 (b) Boards and commissions attached for administrative purposes to
17 the Office of the Governor are terminated on June 30, 1982. All other
18 boards and commissions have a termination date which is the same as the
19 date of termination of the state department to which the board or com-
20 mission is attached for administrative purposes.

21 Sec. 44.90.020. EFFECT OF TERMINATION. (a) A department, board
22 or commission listed in sec. 10 of this chapter is terminated on its
23 respective termination date unless before that date

24 (1) the relevant committees of the legislature conduct a
25 public inquiry into the performance and effectiveness of the agency,
26 board or commission and make public a report of their findings, con-
27 clusions and recommendations; and

28 (2) the legislature adopts a concurrent resolution disap-
29 proving the termination of the agency, board or commission.

1 (b) Upon termination, each agency, board or commission shall
2 continue in existence until June 30 of the next succeeding year for the
3 purpose of concluding its affairs. Termination shall not reduce or
4 otherwise limit the powers of the agency, board or commission. One year
5 after the date of termination each terminating agency, board or com-
6 mission shall cease all activities.

7 Sec. 44.90.030. CONTINUATION OR REESTABLISHMENT OF AGENCIES,
8 BOARDS OR COMMISSIONS. An agency, board or commission scheduled for
9 termination under sec. 10 of this chapter may be continued or reestab-
10 lished by the legislature for a period not to exceed four years. A
11 newly created agency, board or commission shall have a life not to
12 exceed four years and shall be subject to the provisions of this chapter.

13 Sec. 44.90.040. PENDENCY OF REGULATIONS, DETERMINATIONS AND CLAIMS.

14 (a) All orders, regulations, permits, certificates, licenses, con-
15 tracts, rates and privileges of an agency or regulatory board or com-
16 mission which is terminated by operation of this chapter shall continue
17 in effect according to their terms until modified, terminated, suspended
18 or repealed by a successor to the terminated agency, board or commission
19 or by operation of law.

20 (b) No administrative action or legal proceeding lawfully com-
21 menced shall abate by reason of the effect of any provision of this
22 chapter. Actions and proceedings shall be continued with substitutions
23 of parties and officers or agencies as are appropriate.

24 Sec. 44.90.050. EXEMPTIONS. The following agencies, boards and
25 commissions are exempted from the provisions of this chapter:

- 26 (1) Judicial Council;
- 27 (2) Council on Judicial Qualifications;
- 28 (3) Local Boundary Commission;
- 29 (4) Alaska State Housing Authority;

1 (5) Alaska Housing Finance Corporation.

2 * Sec. 2. AS 24 is amended by adding a new chapter to read:

3 CHAPTER 60. PERIODIC LEGISLATIVE REVIEW OF STATE PROGRAMS.

4 Sec. 24.60.010. LEGISLATIVE OVERSIGHT. (a) Before the termina-
5 tion, continuation or reestablishment of an agency, board or commission
6 subject to termination as provided by AS 44.90.010 - 44.90.040, a com-
7 mittee of reference of each house, which shall be the standing committee
8 of legislative jurisdiction as provided in the Uniform Rules of the
9 Legislature, shall hold one or more public hearings to receive testimony
10 from the public, the commissioner of the affected department, and the
11 members of a board or commission subject to termination. The committee
12 shall also consider the proposed budget of the agency, board or commis-
13 sion, prepared and submitted in accordance with AS 37.07.050(f), and the
14 performance audit of the activities of the agency, board or commission
15 prepared by the division of legislative audit as prescribed in
16 AS 24.20.271(1). The committee may consider any other report of the
17 activities of the agency, board or commission.

18 (b) During a public hearing, the agency, board or commission sub-
19 ject to termination shall have the burden of demonstrating a public need
20 for its continued existence and the extent to which any change in the
21 manner of exercise of its functions or activities may increase its
22 efficiency of administration or operation consistent with the public
23 interest.

24 (c) A determination as to whether an agency, board or commission
25 has demonstrated a public need for its continued existence shall consid-
26 er the following factors:

27 (1) the extent to which the agency, board or commission has
28 operated in the public interest;

29 (2) the extent to which the agency, board or commission has

1 encouraged interested persons to report to it concerning the effect of
2 its activities or decisions on levels of service, economy of service,
3 and availability of service which it has provided;

4 (3) the efficiency with which public inquiries or complaints
5 regarding the work of the agency, board or commission have been pro-
6 cessed and resolved; and

7 (4) the extent to which the agency, board or commission has
8 encouraged public participation in the conduct of its affairs and in the
9 development and implementation of its policies and decisions.

10 (d) As to each agency, board or commission assigned to it for
11 purposes of review, the committee of reference shall, not later than the
12 60th day of the legislative session, submit a report to the presiding
13 officer of its house. The report shall contain a summary of the find-
14 ings of the committee and a summary or recommendation of the committee
15 as to each of the following:

16 (1) an identification of the problems or the needs that the
17 programs and activities of the agency, board or commission are intended
18 to address;

19 (2) a statement, to the extent practicable, of the objectives
20 of the program of the agency, board or commission and its anticipated
21 accomplishments;

22 (3) an identification of any other programs having similar,
23 conflicting or duplicate objectives;

24 (4) an assessment of alternative methods of achieving the
25 purposes of the program;

26 (5) an assessment of the consequences of eliminating the
27 program, of consolidating it with another program, or of funding it at a
28 lower level;

29 (6) a justification for the recommended continuation of the

1 agency, board or commission, and an explanation of the manner in which
2 it avoids duplication of or conflict with other efforts; and

3 (7) any other information which, in the opinion of the com-
4 mittee, would improve the performance of the agency, board or commission
5 with respect to its representation of and responsiveness to the public
6 interest.

7 (e) The committee may introduce a concurrent resolution providing
8 for the continuation of the agency, board or commission. No more than
9 one agency, board or commission shall be continued or reestablished in
10 any legislative resolution, and the agency, board or commission shall be
11 mentioned in the title of the resolution.

12 Sec. 24.60.020. REVIEW OF PROGRAMS OF UNIVERSITY OF ALASKA. (a)
13 The programs and activities of the University of Alaska listed in this
14 subsection are subject to review during the regular legislative session
15 convening in the month and year set out after each:

16 (1) instructional, support, and auxiliary services for the
17 senior and community college programs of the university's southcentral
18 region -- January, 1979;

19 (2) instructional, support, and auxiliary services for the
20 senior and community college programs of the university's campuses at
21 Fairbanks -- January, 1980;

22 (3) instructional, support, and auxiliary services for the
23 senior and community college programs of the university's southeastern
24 region and of university programs serving rural Alaska -- January, 1981;

25 (4) statewide administration and organized research --
26 January, 1982.

27 (b) The programs and activities designated in (a) of this section
28 are subject to review during the regular legislative session convening
29 four years after the preceding review.

1 (c) The committee of legislative jurisdiction of each house, as
2 provided in the Uniform Rules of the Legislature, or a special committee
3 appointed by the speaker of the house or the president of the senate
4 shall conduct the review of the programs required by this section. The
5 committees may meet jointly to receive testimony from the public, the
6 Board of Regents of the university, administrators of programs and
7 persons concerned with scientific research or provision of support
8 services, and the students enrolled in programs subject to review. The
9 committee shall also consider the proposed budget of the university for
10 a program subject to review prepared and submitted in accordance with
11 AS 37.07.050(g) and the performance audit of the program prepared by the
12 legislative audit division as prescribed in AS 24.20.271(1).

13 (d) As to each program subject to review under this section, the
14 committee of reference shall, not later than the 60th day of the legis-
15 lative session, submit a report to the presiding officer of its house.
16 The report shall contain a summary of the findings of the committee as
17 to the objectives or purposes of the program, its accomplishments, an
18 assessment of the consequences of eliminating the program or of consoli-
19 dating it with another program, and an assessment of alternative methods
20 of achieving the purposes of the program.

21 * Sec. 3. AS 24.20.271(1) is repealed and re-enacted to read:

22 (1) conduct a performance post-audit at least once every four
23 years of each agency, board or commission listed in AS 44.90.010 and of
24 the programs and activities of the University of Alaska listed in
25 AS 24.60.020, and submit the audit, together with a comprehensive
26 evaluation of the activities of the agency, board, commission or program
27 not later than the first day of the regular legislative session con-
28 vening in each year set out with reference to an agency, board or com-
29 mission subject to termination as prescribed in AS 44.90.010 -

1 44.90.040, or in each year set out with reference to programs and
2 activities of the University of Alaska in AS 24.60.020.

3 * Sec. 4. AS 37.07.050 is amended by adding new subsections to read:

4 (f) An agency, board or commission subject to termination under
5 AS 44.90.010 - 44.90.040 shall prepare and submit a recommended approp-
6 riation to carry out its programs and activities for the fiscal year
7 commencing on July 1 following its termination date based upon a justi-
8 fication of its recommended appropriation request from a zero base.

9 (g) The University of Alaska shall prepare and submit a recom-
10 mended appropriation to carry out those programs and activities subject
11 to periodic legislative review under AS 24.60.020 for the fiscal year
12 commencing on July 1 following a scheduled review based upon a justi-
13 fication of its recommended appropriation request from a zero base.