

SENATE BILL NO. 79**IN THE LEGISLATURE OF THE STATE OF ALASKA****EIGHTEENTH LEGISLATURE - FIRST SESSION****BY THE SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND
AUDIT COMMITTEE****Introduced: 2/1/93****Referred: STA, HES, L&C, RES, JUD, FIN****A BILL****FOR AN ACT ENTITLED**

1 "An Act setting termination dates for various boards, commissions, councils,
2 agencies, committees, and divisions of state government; repealing obsolete statutes
3 relating to the State Fire Commission and the Board of Electrical Examiners;
4 repealing obsolete statutes relating to termination of agency programs and
5 activities; increasing to 10 years the normal maximum interval for review of
6 boards, commissions, and other entities that are subject to sunset reviews; and
7 providing for an effective date."

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

9 * Section 1. AS 08.03.010(c) is amended to read:

10 (c) The following boards have the termination date provided by this
11 subsection:

12 (1) Board of Public Accountancy (AS 08.04.010) - June 30, 2000
13 [1993];

- 1 (2) Board of Governors of the Alaska Bar Association (AS 08.08.040) -
- 2 June 30, 1995 [1993];
- 3 (3) State Board of Registration for Architects, Engineers, and Land
- 4 Surveyors (AS 08.48.011) - June 30, 2000 [1993];
- 5 (4) Board of Barbers and Hairdressers (AS 08.13.010) - June 30, 1997
- 6 [1993];
- 7 (5) Big Game Commercial Services Board (AS 08.54.300) - June 30,
- 8 1995 [1993];
- 9 (6) Board of Certified Direct-Entry Midwives (AS 08.65.010) - June 30,
- 10 1996 [1994];
- 11 (7) Board of Certified Real Estate Appraisers (AS 08.87.010) - June 30,
- 12 1997 [1994];
- 13 (8) Board of Chiropractic Examiners (AS 08.20.010) - June 30, 2003
- 14 [1992];
- 15 (9) Board of Clinical Social Work Examiners (AS 08.95.010) - June 30,
- 16 2000 [1995];
- 17 (10) Board of Dental Examiners (AS 08.36.010) - June 30, 1996
- 18 [1993];
- 19 (11) Board of Dispensing Opticians (AS 08.71.010) - June 30, 2003
- 20 [1992];
- 21 (12) [BOARD OF ELECTRICAL EXAMINERS (AS 08.40.011) -
- 22 JUNE 30, 1991;
- 23 (13)] Board of Marine Pilots (AS 08.62.010) - June 30, 1998 [1994];
- 24 (13) [(14)] Board of Marital and Family Therapy (AS 08.63.010) -
- 25 June 30, 1996 [1995];
- 26 (14) [(15)] Board of Mechanical Examiners (AS 08.40.220) - June 30,
- 27 1995 [1992];
- 28 (15) [(16)] State Medical Board (AS 08.64.010) - June 30, 2002 [1995];
- 29 (16) [(17)] Board of Nursing (AS 08.68.010) - June 30, 2002 [1995];
- 30 (17) [(18)] Board of Nursing Home Administrators (AS 08.70.010) -
- 31 June 30, 2001 [1994];

- 1 ~~(18)~~ [(19)] Board of Examiners in Optometry (AS 08.72.010) - June 30,
- 2 ~~2003~~ [1992];
- 3 ~~(19)~~ [(20)] Board of Pharmacy (AS 08.80.010) - June 30, ~~1998~~ [1993];
- 4 ~~(20)~~ [(21)] State Physical Therapy and Occupational Therapy Board
- 5 (AS 08.84.010) - June 30, ~~2002~~ [1993];
- 6 ~~(21)~~ [(22)] Board of Psychologist and Psychological Associate
- 7 Examiners (AS 08.86.010) - June 30, ~~2001~~ [1995];
- 8 ~~(22)~~ [(23)] Real Estate Commission (AS 08.88.011) - June 30, ~~1999~~
- 9 [1995];
- 10 ~~(23)~~ [(24)] Board of Veterinary Examiners (AS 08.98.010) - June 30,
- 11 ~~2001~~ [1993].

12 * Sec. 2. AS 08.03.020(c) is amended to read:

13 (c) A board scheduled for termination under this chapter may be continued or

14 reestablished by the legislature for a period not to exceed 10 [FOUR] years unless the

15 board is continued or reestablished for a longer period under AS 08.03.010.

16 * Sec. 3. AS 24.20.271 is amended to read:

17 Sec. 24.20.271. POWERS AND DUTIES. The legislative audit division shall

18 (1) conduct a performance post-audit of boards and commissions

19 designated in AS 44.66.010 [AND OF THOSE PROGRAMS AND ACTIVITIES OF

20 AGENCIES SUBJECT TO TERMINATION AS DETERMINED IN THE MANNER

21 SET OUT IN AS 44.66.020 AND 44.66.030,] and submit the audit, together with a

22 written report, not later than the first day of the regular session of the legislature

23 convening in each year set out with reference to boards and [,] commissions [, OR

24 AGENCY PROGRAMS] whose activities are subject to termination as prescribed in

25 AS 44.66;

26 (2) audit at least once every three years the books and accounts of all

27 custodians of public funds and all disbursing officers of the state;

28 (3) at the direction of the Legislative Budget and Audit Committee,

29 conduct performance post-audits on any agency of state government;

30 (4) cooperate with state agencies by offering advice and assistance as

31 requested in establishing or improving the accounting systems used by state agencies;

1 (5) require the assistance and cooperation of all state officials and other
2 state employees in the inspection, examination, and audit of state agency books and
3 accounts;

4 (6) have access at all times to the books, accounts, reports, or other
5 records, whether confidential or not, of every state agency;

6 (7) ascertain, as necessary for audit verification, the amount of agency
7 funds on deposit in any bank as shown on the books of the bank; no bank may be held
8 liable for making information required under this paragraph available to the legislative
9 audit division;

10 (8) complete studies and prepare reports, memoranda, or other materials
11 as directed by the Legislative Budget and Audit Committee;

12 (9) have direct access to any information related to the management of
13 the University of Alaska and have the same right of access as exists with respect to
14 every other state agency.

15 * Sec. 4. AS 44.66.010 is amended to read:

16 (a) Boards and commissions listed in this subsection expire on the date set
17 out after each:

18 (1) Alcoholic Beverage Control Board (AS 04.06.010) - June 30, 2001
19 [1994];

20 (2) [REPEALED]

21 (3) Board of Parole (AS 33.16.020) - June 30, 1998 [1993];

22 (3) [(4)] Alaska Public Utilities Commission (AS 42.05.010) - June 30,
23 2003 [1993];

24 [(5) REPEALED]

25 (6) REPEALED

26 (7) REPEALED]

27 (4) [(8)] Alaska Code Revision Commission (AS 24.20.075) - June 30,
28 1994 [1993];

29 [(9) REPEALED]

30 (5) [(10)] Older Alaskans Commission (AS 44.21.200) - June 30, 1999
31 [1993];

1 (6) [(11)] Council on Domestic Violence and Sexual Assault
2 (AS 18.66.010) - June 30, 1997 [1993];

3 (7) [(12)] Alaska Women's Commission - June 30, 1997 [1993];

4 (13) ALASKA STATE FIRE COMMISSION - JUNE 30, 1990];

5 (8) [(14)] Special Education Service Agency (AS 14.30.600) - June 30,
6 1999 [1995];

7 (9) [(15)] Alaska Tourism Marketing Council (AS 44.33.700) - June 30,
8 1993;

9 (10) [(16)] Tourism Coordinating Committee (AS 44.33.122) - June 30,
10 1993;

11 (11) [(17)] citizens' review panel for permanency planning under
12 AS 47.10.400 - June 30, 1994;

13 (12) [(18)] Board of Storage Tank Assistance (AS 46.03.360) - June 30,
14 1994 [1996];

15 (13) [(19)] Hazardous Substance Spill Technology Review Council
16 (AS 46.13.110) - June 30, 1995 [1994].

17 * Sec. 5. AS 44.66.010(c) is amended to read:

18 (c) A commission scheduled for termination under this chapter may be
19 continued or reestablished by the legislature for a period not to exceed 10 [FOUR]
20 years.

21 * Sec. 6. AS 44.66.050 is amended to read:

22 Sec. 44.66.050. LEGISLATIVE OVERSIGHT. (a) Before the termination,
23 dissolution, continuation, or reestablishment of a board or commission under
24 AS 08.03.010 or AS 44.66.010, [OR OF AN AGENCY PROGRAM UNDER
25 AS 44.66.020 AND 44.66.030,] a committee of reference of each house, which shall
26 be the standing committee of legislative jurisdiction as provided in the Uniform Rules
27 of the Legislature, shall hold one or more hearings to receive testimony from the
28 public, the commissioner of the department having administrative responsibility for
29 each named board or [,] commission, [OR AGENCY PROGRAM,] and the members
30 of the board or commission involved. The hearings may be joint hearings. The
31 committee shall also consider the proposed budget of the board or [,] commission [,

1 OR AGENCY PROGRAM], prepared in accordance with AS 37.07.050(f), and the
2 performance audit of the activities of the board or [,] commission [, OR AGENCY
3 PROGRAM], prepared by the legislative audit division as prescribed in
4 AS 24.20.271(1). The committee may consider any other report of the activities of the
5 board or [,] commission [OR PROGRAM], including [BUT NOT LIMITED TO]
6 annual reports, summaries prepared by the Legislative Affairs Agency, and any
7 evaluation or general report of the manner of conduct of activities of the board or [,]
8 commission [, OR AGENCY PROGRAM] prepared by the office of the ombudsman.

9 (b) During a public hearing, the board or [,] commission [OR AGENCY] shall
10 have the burden of demonstrating a public need for its continued existence [OR THE
11 CONTINUATION OF THE PROGRAM,] and the extent to which any change in the
12 manner of exercise of its functions or activities may increase efficiency of
13 administration or operation consistent with the public interest.

14 (c) A determination as to whether a board or commission [OR AGENCY
15 PROGRAM] has demonstrated a public need for its continued existence must take into
16 consideration the following factors:

17 (1) the extent to which the board or [,] commission [OR PROGRAM]
18 has operated in the public interest;

19 (2) the extent to which the operation of the board or [,] commission
20 [, OR AGENCY PROGRAM] has been impeded or enhanced by existing statutes,
21 procedures, and practices that it has adopted, and any other matter, including
22 budgetary, resource, and personnel matters;

23 (3) the extent to which the board or [,] commission [OR AGENCY]
24 has recommended statutory changes that are generally of benefit to the public interest;

25 (4) the extent to which the board or [,] commission [OR AGENCY]
26 has encouraged interested persons to report to it concerning the effect of its regulations
27 and decisions on the effectiveness of service, economy of service, and availability of
28 service that it has provided;

29 (5) the extent to which the board or [,] commission [OR AGENCY]
30 has encouraged public participation in the making of its regulations and decisions;

31 (6) the efficiency with which public inquiries or complaints regarding

1 the activities of the board or [,] commission [OR AGENCY] filed with it, with the
2 department to which a board or commission is administratively assigned, or with the
3 office of the ombudsman have been processed and resolved;

4 (7) the extent to which a board or commission that [WHICH] regulates
5 entry into an occupation or profession has presented qualified applicants to serve the
6 public;

7 (8) the extent to which state personnel practices, including affirmative
8 action requirements, have been complied with by the board or [,] commission [OR
9 AGENCY TO ITS OWN ACTIVITIES AND THE AREA OF ACTIVITY OR
10 INTEREST]; and

11 (9) the extent to which statutory, regulatory, budgeting, or other
12 changes are necessary to enable the [AGENCY,] board or commission to better serve
13 the interests of the public and to comply with the factors enumerated in this
14 subsection.

15 (d) As to each board or [,] commission [, OR AGENCY PROGRAM] assigned
16 to it for purposes of review, the committee of reference shall, not later than the 60th
17 day of the legislative session, submit a report to the presiding officer of the house.
18 The report shall contain a summary of the findings of the committee as to the
19 compliance of the board or [,] commission [OR PROGRAM] with the factors
20 enumerated in (c) of this section, together with a summary or recommendations of the
21 committee as to each of the following:

22 (1) an identification of the problems or the needs that the programs and
23 activities of the board or [,] commission [OR AGENCY] are intended to address;

24 (2) a statement, to the extent practicable, of the objectives of the
25 program of the board or [,] commission, [OR AGENCY PROGRAM,] and its
26 anticipated accomplishments;

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

29 (4) an assessment of alternative methods of achieving the purposes of
30 the program;

31 (5) an assessment of the consequences of eliminating the board or [,]

1 commission [OR PROGRAM] and consolidating its activities with another program,
2 or of funding it at a lower level;

3 (6) a justification for the recommended continuation or extension of the
4 board or [,] commission [OR PROGRAM,] and an explanation of the manner in which
5 it avoids duplication of or conflict with other efforts; and

6 (7) any other information that, in the opinion of the committee, would
7 improve the performance of the board or [,] commission [OR AGENCY] with respect
8 to its representation of and responsiveness to the public interest.

9 (e) The committee of reference may introduce a bill providing for the
10 reorganization or continuation of the board or [,] commission [OR AGENCY
11 PROGRAM]. No more than one board or [,] commission [, OR AGENCY
12 PROGRAM] may be continued or reestablished in any legislative bill, and the board
13 or [,] commission [, OR AGENCY PROGRAM] must be mentioned in the title of the
14 bill.

15 * Sec. 7. Section 4, ch. 162, SLA 1988, as amended by sec. 4, ch. 25, SLA 1991, is
16 amended to read:

17 Sec. 4. AS 44.88.500 - 44.88.599 are repealed July 1, 1994 [1993].

18 * Sec. 8. AS 08.01.010(12); AS 08.18.026(a), 08.18.026(c); AS 08.40.005, 08.40.011,
19 08.40.045, 08.40.050, 08.40.060, 08.40.070, 08.40.090, 08.40.110, 08.40.120, 08.40.130,
20 08.40.135, 08.40.140, 08.40.150, 08.40.170, 08.40.178, 08.40.180, 08.40.190, 08.40.195,
21 08.40.200; AS 39.25.120(c)(20); AS 44.41.100, 44.41.110, 44.41.120, 44.41.130;
22 AS 44.66.020, and 44.66.030 are repealed.

23 * Sec. 9. EXEMPTION FROM AS 44.66.050(e). This Act is exempt from the
24 requirements of AS 44.66.050(e) that no more than one board or commission may be
25 continued or reestablished in any legislative bill and that the board or commission must be
26 mentioned in the title of the bill.

27 * Sec. 10. This Act takes effect June 30, 1993.