

CS FOR SENATE BILL NO. 79(HES)**IN THE LEGISLATURE OF THE STATE OF ALASKA****EIGHTEENTH LEGISLATURE - FIRST SESSION****BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE****Offered: 3/18/93
Referred: L&C, RES, JUD, FIN****Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND
AUDIT COMMITTEE****A BILL****FOR AN ACT ENTITLED**

1 "An Act setting termination dates for various boards, commissions, councils,
2 agencies, committees, and programs 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; relating to review of computer and telecommunications systems used by
6 state agencies; eliminating certain restrictions on bills that reorganize or continue
7 boards and commissions; relating to legislative review of boards and commissions;
8 repealing statutes that set a normal maximum interval for review of boards,
9 commissions, and other entities that are subject to sunset reviews; and providing
10 for an effective date."

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

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

1 (c) The following boards have the termination date provided by this
2 subsection:

3 (1) Board of Public Accountancy (AS 08.04.010) - June 30, 2000
4 [1993];

5 (2) Board of Governors of the Alaska Bar Association (AS 08.08.040) -
6 June 30, 1995 [1993];

7 (3) State Board of Registration for Architects, Engineers, and Land
8 Surveyors (AS 08.48.011) - June 30, 2000 [1993];

9 (4) Board of Barbers and Hairdressers (AS 08.13.010) - June 30, 1997
10 [1993];

11 (5) Big Game Commercial Services Board (AS 08.54.300) - June 30,
12 1995 [1993];

13 (6) Board of Certified Direct-Entry Midwives (AS 08.65.010) - June 30,
14 1996 [1994];

15 (7) Board of Certified Real Estate Appraisers (AS 08.87.010) - June 30,
16 1997 [1994];

17 (8) Board of Chiropractic Examiners (AS 08.20.010) - June 30, 1996
18 [1992];

19 (9) Board of Clinical Social Work Examiners (AS 08.95.010) - June 30,
20 1995;

21 (10) Board of Dental Examiners (AS 08.36.010) - June 30, 1996
22 [1993];

23 (11) Board of Dispensing Opticians (AS 08.71.010) - June 30, 1996
24 [1992];

25 (12) [BOARD OF ELECTRICAL EXAMINERS (AS 08.40.011) -
26 JUNE 30, 1991;

27 (13)] Board of Marine Pilots (AS 08.62.010) - June 30, 1998 [1994];

28 (13) [(14)] Board of Marital and Family Therapy (AS 08.63.010) -
29 June 30, 1996 [1995];

30 (14) [(15)] Board of Mechanical Examiners (AS 08.40.220) - June 30,
31 1995 [1992];

- 1 ~~(15)~~ [(16)] State Medical Board (AS 08.64.010) - June 30, 1995;
2 ~~(16)~~ [(17)] Board of Nursing (AS 08.68.010) - June 30, 1995;
3 ~~(17)~~ [(18)] Board of Nursing Home Administrators (AS 08.70.010) -
4 June 30, ~~2001~~ [1994];
5 ~~(18)~~ [(19)] Board of Examiners in Optometry (AS 08.72.010) - June 30,
6 ~~1996~~ [1992];
7 ~~(19)~~ [(20)] Board of Pharmacy (AS 08.80.010) - June 30, ~~1996~~ [1993];
8 ~~(20)~~ [(21)] State Physical Therapy and Occupational Therapy Board
9 (AS 08.84.010) - June 30, ~~2002~~ [1993];
10 ~~(21)~~ [(22)] Board of Psychologist and Psychological Associate
11 Examiners (AS 08.86.010) - June 30, 1995;
12 ~~(22)~~ [(23)] Real Estate Commission (AS 08.88.011) - June 30, ~~1999~~
13 [1995];
14 ~~(23)~~ [(24)] Board of Veterinary Examiners (AS 08.98.010) - June 30,
15 ~~2001~~ [1993].

16 * Sec. 2. 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) review computer and telecommunications systems used by state
2 agencies, particularly with respect to their cost-effectiveness and security;

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

6 (7) [(6)] have access at all times to the books, accounts, reports, or
7 other records, whether confidential or not, of every state agency;

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

12 (9) [(8)] complete studies and prepare reports, memoranda, or other
13 materials as directed by the Legislative Budget and Audit Committee;

14 (10) [(9)] have direct access to any information related to the
15 management of the University of Alaska and have the same right of access as exists
16 with respect to every other state agency.

17 * Sec. 3. AS 44.66.010(a) is amended to read:

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

20 (1) Alcoholic Beverage Control Board (AS 04.06.010) - June 30, 2001
21 [1994];

22 (2) [REPEALED]

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

24 (3) [(4)] Alaska Public Utilities Commission (AS 42.05.010) - June 30,
25 2003 [1993];

26 [(5) REPEALED]

27 (6) REPEALED

28 (7) REPEALED]

29 (4) [(8)] Alaska Code Revision Commission (AS 24.20.075) - June 30,
30 1994 [1993];

31 [(9) REPEALED]

- 1 (5) [(10)] Older Alaskans Commission (AS 44.21.200) - June 30, 1999
- 2 [1993];
- 3 (6) [(11)] Council on Domestic Violence and Sexual Assault
- 4 (AS 18.66.010) - June 30, 1997 [1993];
- 5 (7) [(12)] Alaska Women's Commission - June 30, 1997 [1993];
- 6 (13) ALASKA STATE FIRE COMMISSION - JUNE 30, 1990];
- 7 (8) [(14)] Special Education Service Agency (AS 14.30.600) - June 30,
- 8 1999 [1995];
- 9 (9) [(15)] Alaska Tourism Marketing Council (AS 44.33.700) - June 30,
- 10 1993;
- 11 (10) [(16)] Tourism Coordinating Committee (AS 44.33.122) - June 30,
- 12 1993;
- 13 (11) [(17)] citizens' review panel for permanency planning under
- 14 AS 47.10.400 - June 30, 1996 [1994];
- 15 (12) [(18)] Board of Storage Tank Assistance (AS 46.03.360) - June 30,
- 16 1994 [1996];
- 17 (13) [(19)] Hazardous Substance Spill Technology Review Council
- 18 (AS 46.13.110) - June 30, 1995 [1994].

19 * Sec. 4. AS 44.66.050(a) is amended to read:

20 (a) Before the [TERMINATION, DISSOLUTION,] continuation or

21 reestablishment of a board or commission under AS 08.03.010 or AS 44.66.010, [OR

22 OF AN AGENCY PROGRAM UNDER AS 44.66.020 AND 44.66.030,] a committee

23 of reference of each house, which shall be the standing committee of legislative

24 jurisdiction as provided in the Uniform Rules of the Legislature, shall hold one or

25 more hearings to receive testimony from the public, the commissioner of the

26 department having administrative responsibility for each named board or [,]

27 commission, [OR AGENCY PROGRAM,] and the members of the board or

28 commission involved. The hearings may be joint hearings. The committee shall also

29 consider the proposed budget of the board or [,] commission [, OR AGENCY

30 PROGRAM], prepared in accordance with AS 37.07.050(f), and the performance audit

31 of the activities of the board or [,] commission [, OR AGENCY PROGRAM],

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

7 • **Sec. 5.** AS 44.66.050(b) is amended to read:

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

13 • **Sec. 6.** AS 44.66.050(c) is amended to read:

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 * Sec. 7. AS 44.66.050(d) is amended to read:

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

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

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

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

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

