

**CS FOR SENATE BILL NO. 79(L&C)****IN THE LEGISLATURE OF THE STATE OF ALASKA****EIGHTEENTH LEGISLATURE - FIRST SESSION****BY THE SENATE LABOR AND COMMERCE COMMITTEE****Offered: 4/12/93**  
**Referred: 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 transferring the duties of the former Board of Electrical Examiners to the  
5 Department of Commerce and Economic Development; establishing a penalty for  
6 violation of an order issued by the Department of Labor with respect to  
7 electrical installation or repair; repealing obsolete statutes relating to termination  
8 of agency programs and activities; relating to review of computer and  
9 telecommunications systems used by state agencies; eliminating certain restrictions  
10 on bills that reorganize or continue boards and commissions; relating to legislative  
11 review of boards and commissions; repealing statutes that set a normal maximum  
12 interval for review of boards, commissions, and other entities that are subject to

1 sunset reviews; and providing for an effective date."

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

3 \* **Section 1.** AS 08.01.010 is amended by adding a new paragraph to read:

4 (35) regulation of electrical administrators under AS 08.40.005 -  
5 08.40.200.

6 \* **Sec. 2.** AS 08.03.010(c) is amended to read:

7 (c) The following boards have the termination date provided by this  
8 subsection:

9 (1) Board of Public Accountancy (AS 08.04.010) - June 30, 2000  
10 [1993];

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

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

15 (4) Board of Barbers and Hairdressers (AS 08.13.010) - June 30, 1997  
16 [1993];

17 (5) Big Game Commercial Services Board (AS 08.54.300) - June 30,  
18 1995 [1993];

19 (6) Board of Certified Direct-Entry Midwives (AS 08.65.010) - June 30,  
20 1996 [1994];

21 (7) Board of Certified Real Estate Appraisers (AS 08.87.010) - June 30,  
22 1997 [1994];

23 (8) Board of Chiropractic Examiners (AS 08.20.010) - June 30, 1996  
24 [1992];

25 (9) Board of Clinical Social Work Examiners (AS 08.95.010) - June 30,  
26 1995;

27 (10) Board of Dental Examiners (AS 08.36.010) - June 30, 1996  
28 [1993];

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

31 (12) [BOARD OF ELECTRICAL EXAMINERS (AS 08.40.011) -

- 1           **JUNE 30, 1991;**  
2                           **(13)] Board of Marine Pilots (AS 08.62.010) - June 30, 1998 [1994];**  
3                           **(13) [(14)] Board of Marital and Family Therapy (AS 08.63.010) -**  
4           **June 30, 1996 [1995];**  
5                           **(14) [(15)] Board of Mechanical Examiners (AS 08.40.220) - June 30,**  
6           **1995 [1992];**  
7                           **(15) [(16)] State Medical Board (AS 08.64.010) - June 30, 1995;**  
8                           **(16) [(17)] Board of Nursing (AS 08.68.010) - June 30, 1995;**  
9                           **(17) [(18)] Board of Nursing Home Administrators (AS 08.70.010) -**  
10          **June 30, 2001 [1994];**  
11                           **(18) [(19)] Board of Examiners in Optometry (AS 08.72.010) - June 30,**  
12          **1996 [1992];**  
13                           **(19) [(20)] Board of Pharmacy (AS 08.80.010) - June 30, 1996 [1993];**  
14                           **(20) [(21)] State Physical Therapy and Occupational Therapy Board**  
15          **(AS 08.84.010) - June 30, 2002 [1993];**  
16                           **(21) [(22)] Board of Psychologist and Psychological Associate**  
17          **Examiners (AS 08.86.010) - June 30, 1995;**  
18                           **(22) [(23)] Real Estate Commission (AS 08.88.011) - June 30, 1999**  
19          **[1995];**  
20                           **(23) [(24)] Board of Veterinary Examiners (AS 08.98.010) - June 30,**  
21          **2001 [1993].**

22          \* Sec. 3. AS 08.40.050 is amended to read:

23                    Sec. 08.40.050. REGULATIONS. The department [BOARD] shall adopt  
24                    regulations subject to the Administrative Procedure Act (AS 44.62), relating to the  
25                    examination and licensing of electrical administrators, the establishing of the continued  
26                    competency of an applicant for license renewal and reinstatement, and the suspension  
27                    or revocation of licenses.

28          \* Sec. 4. AS 08.40.180 is amended to read:

29                    Sec. 08.40.180. VIOLATION OF AS 08.40.010 - 08.40.200. A person who  
30                    knowingly violates AS 08.40.005 - 08.40.200, or who knowingly violates a valid rule,  
31                    regulation, or order issued under AS 08.40.005 - 08.40.200 by [OF] the department

1 or the Department of Labor [BOARD], is guilty of a misdemeanor, and upon  
2 conviction is punishable by a fine of not more than \$300, or by imprisonment for not  
3 more than 60 days or by both.

4 \* Sec. 5. AS 24.20.271 is amended to read:

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

6 (1) conduct a performance post-audit of boards and commissions  
7 designated in AS 44.66.010 [AND OF THOSE PROGRAMS AND ACTIVITIES OF  
8 AGENCIES SUBJECT TO TERMINATION AS DETERMINED IN THE MANNER  
9 SET OUT IN AS 44.66.020 AND 44.66.030,] and submit the audit, together with a  
10 written report, not later than the first day of the regular session of the legislature  
11 convening in each year set out with reference to boards and [,] commissions [, OR  
12 AGENCY PROGRAMS] whose activities are subject to termination as prescribed in  
13 AS 44.66;

14 (2) audit at least once every three years the books and accounts of all  
15 custodians of public funds and all disbursing officers of the state;

16 (3) at the direction of the Legislative Budget and Audit Committee,  
17 conduct performance post-audits on any agency of state government;

18 (4) cooperate with state agencies by offering advice and assistance as  
19 requested in establishing or improving the accounting systems used by state agencies;

20 (5) review computer and telecommunications systems used by state  
21 agencies, particularly with respect to their cost-effectiveness and security;

22 (6) require the assistance and cooperation of all state officials and other  
23 state employees in the inspection, examination, and audit of state agency books and  
24 accounts;

25 (7) [(6)] have access at all times to the books, accounts, reports, or  
26 other records, whether confidential or not, of every state agency;

27 (8) [(7)] ascertain, as necessary for audit verification, the amount of  
28 agency funds on deposit in any bank as shown on the books of the bank; no bank may  
29 be held liable for making information required under this paragraph available to the  
30 legislative audit division;

31 (9) [(8)] complete studies and prepare reports, memoranda, or other

1 materials as directed by the Legislative Budget and Audit Committee;

2 (10) [(9)] have direct access to any information related to the

3 management of the University of Alaska and have the same right of access as exists

4 with respect to every other state agency.

5 • Sec. 6. AS 44.66.010(a) is amended to read:

6 (a) Boards and commissions listed in this subsection expire on the date set

7 out after each:

8 (1) Alcoholic Beverage Control Board (AS 04.06.010) - June 30, 1996

9 [1994];

10 (2) [REPEALED]

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

12 (3) [(4)] Alaska Public Utilities Commission (AS 42.05.010) - June 30,

13 1994 [1993];

14 [(5) REPEALED]

15 (6) REPEALED

16 (7) REPEALED]

17 (4) [(8)] Alaska Code Revision Commission (AS 24.20.075) - June 30,

18 1993;

19 [(9) REPEALED]

20 (5) [(10)] Older Alaskans Commission (AS 44.21.200) - June 30, 1999

21 [1993];

22 (6) [(11)] Council on Domestic Violence and Sexual Assault

23 (AS 18.66.010) - June 30, 1997 [1993];

24 (7) [(12)] Alaska Human Relations [WOMEN'S] Commission -

25 June 30, 1996 [1993];

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

27 (8) [(14)] Special Education Service Agency (AS 14.30.600) - June 30,

28 1999 [1995];

29 (9) [(15)] Alaska Tourism Marketing Council (AS 44.33.700) -

30 December 31, 1994 [JUNE 30, 1993];

31 (10) [(16)] Tourism Coordinating Committee (AS 44.33.122) - June 30,

1 1993;  
2 ~~(11)~~ [(17)] citizens' review panel for permanency planning under  
3 AS 47.10.400 - June 30, 1996 [1994];  
4 ~~(12)~~ [(18)] Board of Storage Tank Assistance (AS 46.03.360) - June 30,  
5 1996;  
6 ~~(13)~~ [(19)] Hazardous Substance Spill Technology Review Council  
7 (AS 46.13.110) - June 30, 1995 [1994].

8 \* Sec. 7. AS 44.66.050(a) is amended to read:

9 (a) Before the [TERMINATION, DISSOLUTION,] continuation or  
10 reestablishment of a board or commission under AS 08.03.010 or AS 44.66.010, [OR  
11 OF AN AGENCY PROGRAM UNDER AS 44.66.020 AND 44.66.030,] a committee  
12 of reference of each house, which shall be the standing committee of legislative  
13 jurisdiction as provided in the Uniform Rules of the Legislature, shall hold one or  
14 more hearings to receive testimony from the public, the commissioner of the  
15 department having administrative responsibility for each named board or [,]  
16 commission, [OR AGENCY PROGRAM,] and the members of the board or  
17 commission involved. The hearings may be joint hearings. The committee shall also  
18 consider the proposed budget of the board or [,] commission [, OR AGENCY  
19 PROGRAM], prepared in accordance with AS 37.07.050(f), and the performance audit  
20 of the activities of the board or [,] commission [, OR AGENCY PROGRAM],  
21 prepared by the legislative audit division as prescribed in AS 24.20.271(1). The  
22 committee may consider any other report of the activities of the board or [,]  
23 commission [OR PROGRAM], including [BUT NOT LIMITED TO] annual reports,  
24 summaries prepared by the Legislative Affairs Agency, and any evaluation or general  
25 report of the manner of conduct of activities of the board or [,] commission [, OR  
26 AGENCY PROGRAM] prepared by the office of the ombudsman.

27 \* Sec. 8. AS 44.66.050(b) is amended to read:

28 (b) During a public hearing, the board or [,] commission [OR AGENCY] shall  
29 have the burden of demonstrating a public need for its continued existence [OR THE  
30 CONTINUATION OF THE PROGRAM,] and the extent to which any change in the  
31 manner of exercise of its functions or activities may increase efficiency of

1 administration or operation consistent with the public interest.

2 • Sec. 9. AS 44.66.050(c) is amended to read:

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

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

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

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

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

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

20 (6) the efficiency with which public inquiries or complaints regarding  
21 the activities of the board or [,] commission [OR AGENCY] filed with it, with the  
22 department to which a board or commission is administratively assigned, or with the  
23 office of the ombudsman have been processed and resolved;

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

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

31 (9) the extent to which statutory, regulatory, budgeting, or other

1 changes are necessary to enable the [AGENCY,] board or commission to better serve  
2 the interests of the public and to comply with the factors enumerated in this  
3 subsection.

4 \* **Sec. 10.** AS 44.66.050(d) is amended to read:

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

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

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

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

19 (4) an assessment of alternative methods of achieving the purposes of  
20 the program;

21 (5) an assessment of the consequences of eliminating the board or [,]  
22 commission [OR PROGRAM] and consolidating its activities with another program,  
23 or of funding it at a lower level;

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

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

30 \* **Sec. 11.** Section 4, ch. 162, SLA 1988, as amended by sec. 4, ch. 25, SLA 1991, is  
31 amended to read:

- 1                   Sec. 4. AS 44.88.500 - 44.88.599 are repealed July 1, 1994 [1993].
- 2     • Sec. 12. AS 08.01.010(12); AS 08.03.020(c); AS 08.40.011, 08.40.200(1);
- 3 AS 39.25.120(c)(20); AS 44.41.100, 44.41.110, 44.41.120, 44.41.130; AS 44.66.010(c),
- 4 44.66.020, 44.66.030, and 44.66.050(c) are repealed.
- 5     • Sec. 13. REVISOR'S INSTRUCTION. Wherever in AS 08.40.045, 08.40.060,
- 6 08.40.120, and 08.40.170 the term "board" is used, the revisor of statutes shall substitute the
- 7 term "department" in order to implement secs. 1 and 3 of this Act.
- 8     • Sec. 14. TRANSITIONAL PROVISION. Notwithstanding secs. 1, 3, and 13 of this Act,
- 9 a license for an electrical administrator that is in effect on June 30, 1993, remains in effect
- 10 for the term for which it was issued by the former Board of Electrical Examiners unless
- 11 revoked or suspended by the Department of Commerce and Economic Development under
- 12 AS 08.40.005 - 08.40.200.
- 13     • Sec. 15. This Act takes effect June 30, 1993.