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STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

*Rec'd. 11.20  
2nd  
2 - Commission*

M E M O R A N D U M

April 24, 1982

SUBJECT: Sunset of state agencies, boards and  
commissions (HCS CSSSSB 630 (Labor and  
Commerce))

TO: Representative Terry Martin  
Chairman, House Labor and  
Commerce

FROM: Edward H. Hein *EHH*  
Legislative Counsel

At the request of your administrative aide, Mary Isaacs, I have redrafted the committee substitute you requested for SB 630. As I pointed out in another memorandum today, the version you first submitted presented substantial legal and constitutional problems.

I have given you the State Affairs Committee version of the bill with the following changes:

1. Page 1, line 8: "AS 08.03 and" has been deleted because the bill no longer affects that chapter;
2. Page 1, line 17: "1985" was deleted because the continuation of a board or commission in this bill, which is essentially a "cleanup" bill to clarify the language of AS 44.-66.010, constitutes a violation of the single subject rule of Article II, Sec. 13 of the Alaska Constitution; and
3. Page 2, lines 14 ~ 16: the new language proposed in the State Affairs Committee version was deleted at your request.

EHH:ljb

Enclosure

STATE OF ALASKA  
THE LEGISLATURE

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POUCH Y - STATE CAPITOL  
JUNEAU ALASKA 99811  
907-465-3800

*Rec'd 10:00 AM  
1/2  
Comm*

MEMORANDUM

April 24, 1982

SUBJECT: Sunset of state agencies, boards and  
commissions (HCS CSSSB 630 (Labor and  
Commerce))

TO: Representative Terry Martin  
Chairman, House Labor and  
Commerce Committee

FROM: Edward H. Hein *EH*  
Legislative Counsel

Enclosed is the draft committee substitute you requested for  
SB 630. This bill has two serious defects.

1. Sec. 1 of the bill extends the life of the Alcoholic  
Beverage Control Board, the state Board of Parole, and the  
Alaska Code Revision Commission. AS 44.66.060(e) provides  
that

No more than one board, commission, or agency program  
shall be continued or reestablished in any legislative  
bill, and the board, commission or agency board or  
program shall be mentioned in the title of the bill.

This bill violates that section and, if challenged in court,  
the bill would therefore likely be struck down.

2. This began as a "cleanup" bill to clarify language of  
AS 44.66.010 and to make the language consistent with similar  
provisions in AS 08.03. The bill has now been turned into a  
substantive bill which continues or shortens the life of  
four boards or commissions. This is not reflected in the  
title of the bill, as required by Article II, Sec. 13 of the  
Alaska Constitution. More important, perhaps, the bill  
appears to be in violation of the single subject rule,  
Article II, Section 13 of the Alaska Constitution. The  
question of violation of the constitutional provision is a

Representative Terry Martin  
Page 2  
April 24, 1982

matter ultimately determined by the Court. If a violation  
was found the act would be void.

EHH:ljb

Original sponsor: Sturgulewski

Offered: 2/25/82  
Referred: Labor & Commerce

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 630 (State Affairs) am  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 TWELFTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to the legislative oversight procedures  
7 relating to state agencies, boards, and commissions  
8 under AS 08.03 and AS 44.66; and providing for an  
9 effective date."

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

11 \* Section 1. AS 44.66.010 is amended to read:

12 Sec. 44.66.010. TERMINATION OF STATE AGENCIES, BOARDS, AND COMMIS-  
13 SIONS. (a) A state agency, board, or commission [BOARDS AND COMMIS-  
14 SIONS] listed in this subsection is terminated on the date established  
15 by this subsection [EXPIRE ON THE DATE SET OUT AFTER EACH]:

16 (1) Alcoholic Beverage Control Board (AS 04.06.010) --  
17 June 30, ~~1986~~; [1983] 1982

18 (2) Alaska Transportation Commission (AS 42.07.011) --  
19 June 30, ~~1983~~ [1982]

20 (3) State Board of Parole (AS 33.15.010) -- June 30, 1985 [1982]

21 (4) Alaska Public Utilities Commission (AS 42.05.010) --  
22 June 30, 1985;

23 (5) (repealed)

24 (6) Alaska Council on Science and Technology (AS 44.21.241 -  
25 44.21.255) -- June 30, ~~1986~~; ~~1980~~

26 (7) Alaska Renewable Resources Corporation (AS 37.12.010) --  
27 June 30, ~~1982~~; <sup>6</sup>1986

28 (8) Alaska Code Revision Commission (AS 24.20.075) -- June 30,  
29 ~~1986~~; ~~1984~~ [1984]

1 (9) Rural Development Council (AS 44.47.160 - 44.47.190) --  
2 June 30, 1987;

3 (10) Older Alaskans Commission (AS 44.21.200 - 44.21.240) --  
4 June 30, 1985;

5 (11) Council on Domestic Violence and Sexual Assault (AS 18.-  
6 66.010) -- June 30, 1985.

7 (b) Upon termination, a state agency, board, or commission listed  
8 in (a) of this section shall continue in existence until June 30 of the  
9 next succeeding year for the purpose of concluding its affairs. During  
10 this period, termination does not reduce or limit the powers or authority  
11 of the state agency, board, or commission.

12 (c) A state agency, board, or commission scheduled for termination  
13 under this chapter may be continued or reestablished by the legislature  
14 for a period not to exceed four years unless the state agency, board, or  
15 commission is continued or reestablished for a longer period under  
16 AS 44.66.050(e). ]

17 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-  
18 070(c).

*Office Copy*

Original sponsor: Sturgulewski

Offered: 2/25/82  
Referred: Labor & Commerce

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

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23 (5) <sup>ab</sup> (repealed) *Pipeline Comm.*

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