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STATE OF ALASKA THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 24, 1982

SUBJECT: Sunset of state agencies, boards and
commissions -- CSSSSB 630 (SA)

TO: Senator Arliss Sturgulewski

FROM: Edward H. Hein *EHA*
Legislative Counsel

You have asked for a section-by-section analysis of
CSSSSB 630 (SA).

Sec. 1. The title of AS 44.66.010 and the first sentence of subsections (a), (b) and (c) have been amended to include state agencies, and in subsections (b) and (c) also state boards. The last half of the first sentence of subsection (a) has been reworded for purposes of clarity. In Paragraph (11) the statutory reference to the Council on Domestic Violence and Sexual Assault has been renumbered in accordance with changes made during the interim by the Revisor of Statutes.

In subsection (b) a new sentence has been added to provide that during the year for which a "terminated" agency, board or commission is extended for the purpose of concluding its affairs, its powers and authority are not reduced. The meaning of this sentence is not clear. One interpretation is that it means that the agency, board or commission may exercise its powers and authority only for the purpose of concluding its affairs. Another interpretation is that the agency, board or commission may continue to exercise all its powers and authority and carry on "business as usual".

Subsection (c) provides that the legislature has authority to continue or reestablish a state agency, board or commission for a period not to exceed four years unless it decides to continue or reestablish the agency, board or commission for a period exceed for years.

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Sec. 2 provides for an immediate effective date if the section is approved by a two-thirds vote of each house. The act would take effect on 12:01 am on the day after it is signed by the governor or the day after he gives written notice that he is allowing the act to become effective without his approval.

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STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

RECEIVED

JAN 7 1982

POUCH Y - STATE CAPITOL

JUNEAU, ALASKA 99811

BUDGET/AUDIT
COMMITTEE

907-465-3800

MEMORANDUM

January 7, 1981

SUBJECT: Sunset of state agencies, boards and
commissions -- SB 630

TO: Senator Arliss Sturgulewski

FROM: Edward H. Hein *EH*
Legislative Counsel

You have asked for a section-by-section analysis of Work Order No. 12-1978, which has been prefiled as SB 630.

Sec. 1. The language of the title of the section, the first sentence of subsection (a) and the first sentence of subsection (b) has been amended to include state agencies, and in subsection (b) also state boards. The last half of the first sentence of subsection (a) has been reworded for purposes of clarity. Paragraph (1) relating to the Alcoholic Beverage Control Board and Paragraph (2) relating to the Alaska Transportation Commission have been deleted and thereby effectively repealed. In Paragraph (11) the statutory reference to the Council on Domestic Violence and Sexual Assault has been renumbered in accordance with changes made during the interim by the Revisor of Statutes. In the first sentence of subsection (b) the phrase "for the purpose of concluding its affairs" has been deleted and a new sentence has been added in an attempt to make clear that during the year in which a "terminated" agency, board or commission is "winding down", it may carry on business as usual. Subsection (c), which purported to give the legislature authority to continue or reestablish a state board or commission for a period not to exceed four years has been deleted.

Sec. 2 provides in a new subsection (f) even if a committee of reference fails to comply strictly with every requirement in AS 44.66.050(a) - (e), the state agency, board or commission will terminate on schedule. For example, if a report

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required by AS 44.66.050(d) were to be submitted to the presiding officer on the 61st day of the legislative session; instead of the 60th day, such a failure to comply with the law would not be grounds for arguing that the agency, board or commission was not effectively terminated on the date established by statute.

Sec. 3 provides for an immediate effective date if the section is approved by a two-thirds vote of each house. The act would take effect on 12:01 am on the day after it is signed by the governor or the day after he gives written notice that he is allowing the act to become effective without his approval.

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Sec. 44.66.010. Termination of state boards and commissions.

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

- (1) Alcoholic Beverage Control Board (AS 04.06.010) — June 30, 1983;
- (2) Alaska Transportation Commission (AS 42.07.011) — June 30, 1983;
- (3) State Board of Parole (AS 33.15.010) — June 30, 1982;
- (4) Alaska Public Utilities Commission (AS 42.05.010) — June 30, 1985;
- (5) Repealed by § 20 ch 110 SLA 1981.
- (6) Alaska Council on Science and Technology (AS 44.21.241) — June 30, 1983;
- (7) Alaska Renewable Resources Corporation (AS 37.12.010) — June 30, 1982;
- (8) Alaska Code Revision Commission (AS 24.20.075) — June 30, 1982;
- (9) Rural Development Council (AS 44.47.160 — 44.47.190) — June 30, 1987;
- (10) Older Alaskans Commission (AS 44.21.200) — June 30, 1985;
- (11) Council on Domestic Violence and Sexual Assault — June 30, 1985.

(b) Upon termination, a commission listed in (a) of this section shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs.

(c) A commission scheduled for termination under AS 44.66.010 — 44.66.060 may be continued or reestablished by the legislature for a period not to exceed four years. (§ 3 ch 149 SLA 1977; am § 3 ch 101 SLA 1978; am § 10 ch 179 SLA 1978; am § 3 ch 44 SLA 1980; am § 1 ch 115 SLA 1980; am § 11 ch 131 SLA 1980; am § 11 ch 136 SLA 1980; am § 3 ch 172 SLA 1980; am § 1 ch 32 SLA 1981; am § 1 ch 64 SLA 1981; am § 4 ch 79 SLA 1981; am § 3 ch 101 SLA 1981; § 20 ch 110 SLA 1981; am Executive Order No. 48, § 5 (1981))

Revisor's notes. — In subsection (a)(6), the reference "AS 44.21.241" was substituted for "AS 44.21.200" to reflect the renumbering of that section by the revisor of statutes under AS 01.05.031.

Effect of amendments. -- The first 1981 amendment, effective June 20, 1981, substituted "1982" for "1980" in paragraph (3) of subsection (a).

The second 1981 amendment, effective July 11, 1981, substituted "1983" for "1981" in subsection (a)(1).

The third 1981 amendment, effective

July 15, 1981, added paragraph (10) of subsection (a).

The fourth 1981 amendment added paragraph (11) of subsection (a).

The fifth 1981 amendment, effective July 27, 1981, repealed paragraph (5) of subsection (a) which provided a termination date for the Alaska Pipeline Commission.

The sixth 1981 amendment effective July 1, 1981, substituted "AS 44-21.241" for "AS 44.19.181" in paragraph (6) of subsection (a).

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The fourth 1980 amendment added paragraph (8) of subsection (a).

The fifth 1980 amendment added paragraph (9) of subsection (a).

Sec. 44.66.020. Agency programs. (a) Agency programs and activities listed in this subsection which are specifically designated as provided in AS 44.66.030 are subject to termination during the regular legislative session convening in the month and year set out after each:

(1) programs in the budget categories of general government, public protection, and administration of justice — January, 1980;

(2) programs in the budget categories of education and the University of Alaska — January, 1981;

(3) programs in the budget categories of health and social services — January, 1982;

(4) programs in the budget categories of natural resources management, development and transportation — January, 1983.

(b) An agency program or activity designated in (a) of this section shall be subject to termination during the regular legislative session convening four years after the preceding review and may be subject to termination at any time upon the recommendation of the Legislative Budget and Audit Committee and the concurrence of the legislature as if under AS 44.66.030. (§ 3 ch 199 SLA 1977)

Sec. 44.66.030. Program identification. During the legislative session preceding each of the years set out in AS 44.66.020, the Legislative Budget and Audit Committee shall designate, not later than March 1 of those years, the programs and activities within each program category which shall be subject to termination in the next fiscal year. The recommendations of the Legislative Budget and Audit Committee shall be submitted to the respective houses of the legislature in the form of a bill which, if enacted into law, would terminate those designated programs and activities on or before July 1 of the following year. (§ 3 ch 149 SLA 1977)

Sec. 44.66.050. Legislative oversight. (a) Before the termination, dissolution, continuation or reestablishment of a board or commission under AS 08.03.010 or AS 44.66.010, or of an agency program under AS 44.66.020 and 44.66.030, a committee of reference of each house, which shall be the standing committee of legislative jurisdiction as provided in the Uniform Rules of the Legislature, shall hold one or more hearings to receive testimony from the public, the commissioner of the department having administrative responsibility for each named board, commission, or agency program, and the members of the board or commission involved. The hearings may be joint hearings. The committee shall also consider the proposed budget of the board, commission, or agency program, prepared in accordance with AS 37.07.050(f), and the performance audit of the activities of the board, commission, or agency program, prepared by the legislative audit division as prescribed in AS 24.20.271(1). The committee may consider

any other report of the activities of the board, commission or program, including but not limited to annual reports, summaries prepared by the Legislative Affairs Agency, and any evaluation or general report of the manner of conduct of activities of the board, commission, or agency program prepared by the office of the ombudsman.

(b) During a public hearing, the board, commission or agency shall have the burden of demonstrating a public need for its continued existence or the continuation of the program, and the extent to which any change in the manner of exercise of its functions or activities may increase efficiency of administration or operation consistent with the public interest.

(c) A determination as to whether a board or commission or agency program has demonstrated a public need for its continued existence shall take into consideration the following factors:

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

(2) the extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters;

(3) the extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest;

(4) the extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided;

(5) the extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions;

(6) the efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved;

(7) the extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public;

(8) the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest; and

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

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(d) As to each board, commission, or agency program assigned to it for purposes of review, the committee of reference shall, not later than the 60th day of the legislative session, submit a report to the presiding officer of the house. The report shall contain a summary of the findings of the committee as to the compliance of the board, commission or program with the factors enumerated in (c) of this section, together with a summary or recommendations of the committee as to each of the following:

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

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

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

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

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level;

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts; and

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

(e) The committee of reference may introduce a bill providing for the reorganization or continuation of the board, commission or agency program. No more than one board, commission, or agency program shall be continued or reestablished in any legislative bill, and the board, commission, or agency program shall be mentioned in the title of the bill. (§ 3 ch 149 SLA 1977)

Sec. 44.66.060. Existing claims. This chapter shall not cause the termination or dismissal of a claim or right of a citizen against a board, commission or program of an agency terminated under this chapter which is subject to litigation. Claims and rights shall be assumed by the department to which the board or commission terminated under this chapter was attached for administrative purposes. (§ 3 ch 149 SLA 1977)

Chapter 66. Council on Domestic Violence and Sexual Assault.

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| <p>Section</p> <p>10. Council on domestic violence and sexual assault; purpose</p> <p>20. Membership, terms, vacancies, and disqualification</p> <p>30. Compensation and expenses</p> | <p>Section</p> <p>40. Meetings and quorum</p> <p>50. Duties of the council</p> <p>60. Qualifications</p> <p>900. Definitions</p> |
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Sec. 18.66.010. Council on domestic violence and sexual assault; purpose. There is established in the Department of Public Safety the Council of Domestic Violence and Sexual Assault. The purpose of the council is to provide for planning and coordination of services to victims of domestic violence or sexual assault or to their families and to perpetrators of domestic violence and sexual assault and to provide for crisis intervention and prevention programs. (§ 1 ch 101 SLA 1981)

Sec. 18.66.020. Membership, terms, vacancies, and disqualification. (a) The council consists of

(1) three persons appointed by the governor after consultation with the Network on Domestic Violence and Sexual Assault, a nonprofit corporation; the Network on Domestic Violence and Sexual Assault shall submit a list to the governor of persons recommended for appointment;

(2) the commissioner of public safety or the designee of the commissioner of public safety; and

(3) the commissioner of health and social services or the designee of the commissioner of health and social services;

(4) the commissioner of education or the designee of the commissioner of education;

(5) the attorney general or the designee of the attorney general.

(b) The term of office of a member appointed under (a)(1) of this section is two years. A member appointed under (a)(1) of this section serves at the pleasure of the governor and may not serve more than two consecutive terms. A vacancy on the council shall be filled for the unexpired term by appointment by the governor after consultation with the Network on Domestic Violence.

(c) A person who receives compensation from or is an employee of a domestic violence, sexual assault, or crisis intervention or prevention program may not be appointed to the council. (§ 1 ch 101 SLA 1981)

Editor's notes. — Section 4, ch. 101, SLA 1981, provides: "Of the first members appointed to the Council on Domestic Violence and Sexual Assault under AS 18.66.020(a) added in sec. 1 of this act (1) one member shall be appointed to serve a term of one year; (2) two members shall be appointed to serve a term of two years."